

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65320 of 2021

Arising Out of PS. Case No.-52 Year-2020 Thana- BUXAR District- Buxar

Rahul Kumar Singh @ Rahul Kumar Son of Sunil Singh Resident of Village - Mahadah, P.S.- Buxar Muffassil, Distt.- Buxar.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Anup Kumar Pandey, Advocate
For the Opposite Party/s : Mr.Rina Sinha, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 16-05-2022 Heard counsel for the parties.

Let the defect(s), if any, as pointed out by the office be removed within a period of four weeks.

At the outset, the counsel for the petitioner submits that in the prayer portion erroneously it was typed as Buxar Town P.S. Case No. 49 of 2020 instead of Buxar Town P.S. Case No. 52 of 2020 and as such he has filed supplementary affidavit to this effect.

The petitioner is in custody in connection with Buxar Town P.S. Case No. 52 of 2020 registered under sections 414 and 34 of the Indian Penal Code.

As per the prosecution story, on the basis of written report of the informant, an Assistant Sub-Inspector while he was on routine patrolling, a motorcycle with two persons on it was



intercepted and when the police asked to show the document, they failed to do so. The motorcycle was not even having any registration number. Accordingly, the same was seized and the accused persons were arrested.

It has been submitted that the name of the petitioner cropped up on the confessional statement of accused Shivam Singh @ Dublu who was arrested from the spot.

Learned counsel for the petitioner submits that neither he was arrested from the spot nor has any concern with the seized motorcycle but his name has come up on the basis confessional statement of accused persons for which is he in jail since 1.4.2021 (as stated in para-11 of the bail application).

Considering the fact that the petitioner has not been arrested from the spot, charge-sheet stands submitted and he is in custody since 1.4.2021; this Court is inclined to grant him the privilege of bail. However, he has number of criminal cases, certain conditions are necessary to be imposed.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of Judicial Magistrate-1st Class, Buxar, in connection with Buxar Town P.S. Case No. 52 of 2020 subject to the following conditions:



(i) one of the bailors should be the family member of the petitioner, who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reasons will entail his cancellation of bail by the Trial Court itself;

(iii) he shall appear before the concerned police station every fortnight for next six months to mark his presence;

(iv) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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