

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57436 of 2022

Arising Out of PS. Case No.-62 Year-2022 Thana- KINJAR District- Jehanabad

Rahul Kumar S/o Sri Ramesh Yadav Resident of village- Garari, Telha,
Garahi ,P.S.- Konch ,District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajan Ghoshrave, Advocate
For the Opposite Party/s : Mr. Tarun Prasad Mandal, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 23-12-2022 This matter is heard through video conferencing.

Heard Mr. Rajan Ghoshrave, learned counsel
appearing on behalf of the petitioner and Mr. Tarun Prasad
Mandal, learned A.P.P. for the State.

The petitioner who is in custody since 03.06.2022
seeks regular bail in connection with Kinjar P.S. Case No. 62 of
2022, for the offence punishable under Sections 414 and 399 of
the Indian Penal Code and Sections 25(1B)(a), 26/35 of Arms
Act.

The prosecution case, in brief, is that the local police
had received secret information that young boys are ready to
commit crime and in course of patrolling altogether seven



accused persons were apprehended. Two motorcycles and mobile phones were recovered from the possession of the accused persons.

Learned counsel appearing on behalf of the petitioner submitted that petitioner was a pillion rider and even the motorcycle has been claimed by its owner. A loaded fire arm was recovered from nearby bush. The petitioner has clean antecedent and is in custody since 03.06.2022.

Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

From the allegation made in the F.I.R., it appears that petitioner was a pillion rider of Hero Honda motorcycle bearing Registration No. BR-22K-2627. The motorcycle was stolen one Shashank Shekhar-informant and in course of recovery the was pillion rider of the said motorcycle along with co-accused but the petitioner had denied the fact that said motorcycle do not belongs to him. The petitioner has clean antecedent and remained in custody since 03.06.2022.

Prima facie, it appears that petitioner has made out a case to be released on regular bail, the Court below is directed to enlarge the petitioner on bail with a condition that a report must be obtained from District Transport Officer in respect to



motorcycle bearing Registration No. BR02BA-6046 having Engine No. AE8CM2X14410 and Chassis No. MD634AE84M2C14839, if it is found that the said motorcycle is not a stolen one, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rs. Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned Sub-Divisional Judicial Magistrate, Arwal in connection with Kinjar P.S. Case No. 62 of 2022, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

(5) The court below is directed to verify the criminal antecedent of the petitioner and if it is found that



the petitioner is involved in some other cases as what has been stated in paragraph No.3 of the bail application, this order will automatically loose its force.

(Purnendu Singh, J)

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