

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71837 of 2021

Arising Out of PS. Case No.-127 Year-2021 Thana- DARPA District- East Champaran

Rishi Kumar Son Of Prem Chandra Patel Resident Of Village- Sihorawa Tola
Khakhli, P.S.- Darpa, District- East Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate
For the Opposite Party/s : Ms. Asha Devi, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 18-05-2022 Learned counsel for the petitioner undertakes to
remove all the defects as pointed out by office within two weeks
after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Ms. Asha
Devi, learned APP for the State.

Petitioner, in the present case, is seeking regular bail
in connection with Darpa P.S. Case No. 127 of 2021 registered
for the offences punishable under Sections 413 and 414 of the
Indian Penal Code. He is in custody since 14.08.2021 having no
criminal antecedent as stated in paragraph '3' of the application.

Learned counsel for the petitioner submits that as per
the prosecution story, during course of vehicle checking, three
persons riding on a motorcycle tried to flee away on seeing the
police party but on chase two of them got apprehended. The
apprehended persons disclosed their names as Dhiraj Kumar and



Suman Kumar and also disclosed the name of the person who managed to escape as Rishi Kumar (this petitioner). Thereafter, police seized the motorcycle of which no paper was produced.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case. It is submitted that this petitioner was not arrested on the spot and the stolen motorcycle is said to have been recovered from the possession of the apprehended accused persons. The petitioner has remained in custody since 14.08.2021 having no criminal antecedent.

Learned APP for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the submissions that this petitioner was not arrested at the spot and the stolen motorcycle was recovered from the possession of the apprehended accused, namely, Dhiraj Kumar and Suman Kumar, the petitioner has remained in custody since 14.08.2021, he has otherwise no criminal antecedent, investigation against him is complete and his presence may also be secured in course of trial, this Court directs release of the petitioner above named on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the



satisfaction of learned Sub-Divisional Judicial Magistrate, Raxaul, East Champaran at Motihari in connection with Darpa P.S. Case No. 127 of 2021, subject to the condition as laid down under Section 437 (3) Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

