

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4076 of 2023

Arising Out of PS. Case No.-358 Year-2022 Thana- MOTIPUR District- Muzaffarpur

RAUSHAN KUMAR Son of Jageshwar Rai Resident of village - Lohani
Patti, P.S.- Patepur, District - Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jitendra Narain Sinha, Adv.

For the Opposite Party/s : Mrs. Renu Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 01-05-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
11.10.2022 in connection with Motipur P.S. Case No. 358/2022,
F.I.R. dated 10.10.2022, for the offences punishable under
Sections 381 and 409 of the Indian Penal Code.

According to prosecution case, the petitioner along
with co-accused namely, Ankit Kumar are alleged to have theft
Rs. 15,40,149/-, which was kept in the locker of the bank.

Learned counsel for the petitioner submits that the
petitioner has clean antecedent and he has falsely been
implicated in the present case. He further submits that the
petitioner himself has informed the informant with regard to the
present occurrence and on that basis the informant has filed the



present F.I.R. against the petitioner only on the basis of suspicion. He further submits that nothing has been recovered from conscious possession of the house of the petitioner and the petitioner has been implicated in the present case only on the basis of suspicion. He further submits that it has come during investigation that the petitioner was custodian of one of the two keys for opening the locker in question and the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 11.10.2022.

Learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail, after framing of charge, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M., 2nd, (West) Muzaffarpur, in connection with Motipur P.S. Case No.358/2022, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and



on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

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

3. 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.

(Rajesh Kumar Verma, J)

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