

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20378 of 2023

Arising Out of PS. Case No.-630 Year-2022 Thana- MUZAFFARPUR SADAR District-
Muzaffarpur

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1. Dipu Kumar, Gender-Male, Aged about 20 years, Son of Raju Paswan
Resident of Village- Susta Madhopur, P.S. Maniyari, Distt- Muzaffarpur
 2. Govind Kumar @ Dhathura, Gender-Male, Aged about 21 years, Son of
Jagarnath Paswan, Resident of Village- Susta Madhopur, P.S.- Maniyari,
Distt- Muzaffarpur
 3. Roushan Kumar, Gender-Male, Aged about 22 years, Son of Raju Paswan,
Resident of Village- Susta Madhopur, P.S.- Maniyari, Distt- Muzaffarpur

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Hemant Kumar, Advocate
For the Opposite Party : Mr. Nitya Nand Tiwary, A.P.P.

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 22-05-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners seek bail in connection with
Muzaffarpur in Sadar P.S. Case No. 630 of 2022 dated
14.10.2022, instituted for the offence punishable under Sections
414 and 34 of the Indian Penal Code.

3. As per the prosecution case, on 14.10.2022 at about
06:40 pm, the informant along with other police personnel
during vehicle checking found that after seeing the police
personnel, three persons (petitioners) were trying to flee away
by their motorcycle but on chase, all were caught and it is found



that neither paper was available regarding the said motorcycle nor number plate was found. Thereafter, during the course of investigation, they disclosed that the said motorcycle was stolen. Thereafter, the informant lodged F.I.R. against the petitioners.

4. Learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated in this case. It is further submitted that police have not confirmed that till now, any F.I.R. lodged regarding Hero Honda Splender Plus Motorcycle Engine No. HA10EFAHH44093, Chassis No. MBLHA10EZAHH47199. It is also submitted that petitioners are neither owner nor concern to the said motorcycle. Lastly, it has been submitted that the petitioners are in custody since 15.10.2022, charge-sheet has been submitted in the case and two criminal cases are pending against petitioner no. 1 and petitioner no. 2 has two criminal cases whereas one criminal case is pending against petitioner no. 3.

5. Learned A.P.P. has opposed the prayer for bail of the petitioners.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioners be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like



amount each to the satisfaction of the learned C.J.M.,
Muzaffarpur in Sadar P.S. Case No. 630 of 2022, subject to the
following conditions:-

- (1) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.
- (2) One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or their wife.
- (3) The bailor shall also state on affidavit that they will inform the court concerned if the petitioners are made accused in any other case of similar nature after their release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.
- (4) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Khatim Reza, J)

Gaurav Kumar/-

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