

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.21243 of 2023**

Arising Out of PS. Case No.-102 Year-2022 Thana- KALER District- Jehanabad

=====

Sarvesh Dwivedi S/O Brijnandan Dwivedi R/O Village- Hathiyara, P.S-  
Devkund, Distt.- Aurangabad.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

=====

**Appearance :**

For the Petitioner/s : Mr. Rama Kant Singh, Advocate

For the Opposite Party/s : Mr. Shailendra Kumar, APP

=====

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

3      13-07-2023                      Heard learned counsel for the petitioner and learned  
Additional Public Prosecutor for the State.

Learned counsel for the petitioner is permitted to  
remove the defect(s), as pointed out by the office, if any, within  
a period of four weeks from today.

Petitioner seeks bail who is in custody since  
19.01.2023 in connection with Kaler P.S. Case No. 102 of 2022,  
F.I.R. dated 18.11.2022 for the offences punishable under  
Sections 392/34 of the Indian Penal Code.

According to prosecution case, 4 miscreants  
intercepted the way of the informant and on point of pistol, they  
snatched the motorcycle of the informant and fled away.

Learned counsel for the petitioner submits that  
petitioner is innocent and he has falsely been implicated in the



present case. He further submits that the petitioner is not named in the F.I.R and the name of the petitioner has been transpired during investigation when the petitioner was arrested with the stolen motorcycle on which a different registration number was mentioned. He further submits that there is non-compliance of Section 100 of Cr.P.C. He further submits that the police after investigation submitted the charge sheet against the petitioner. He further submits that co-accused, namely, Deepak Sao @ Deepak Kumar has been granted bail by a co-ordinate Bench of this Court vide order dated 24.05.2023 passed in Cr. Misc. No. 26989 of 2023. The petitioner is in custody since 19.01.2023.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries one criminal antecedent other than the present one.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Arwal in connection with Kaler P.S. Case No. 102 of 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)**

Vanisha/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

