

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.31117 of 2023**

Arising Out of PS. Case No.-82 Year-2023 Thana- MUFFASIL District- Aurangabad

Rakesh Kumar, Son of Satyendra Kumar Ram @ Satyendra Ram, Resident of  
village- Shekhpura, P.S.-Aurangabad Mufassil, District- Aurangabad (Bihar)  
... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

**Appearance :**

For the Petitioner : Mr. Aman Vishal, Advocate  
For the Opposite Party : Mrs. Gulnar Begum, APP

**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR  
ORAL ORDER**

2      24-06-2023                      Heard Mr. Aman Vishal, learned counsel for the  
petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in  
connection with Aurangabad Mufassil P.S. Case No. 82 of 2023  
registered for the offences punishable under Sections 414/34 of  
the Indian Penal Code.

On a secret information, the police apprehended the  
petitioner along with a black colour Hero Splender Plus  
motorcycle. On interrogation, the petitioner failed to produce  
any document relating to the said motorcycle and stated that the  
same was duly purchased from one Nitish Kumar and in lieu  
thereof, payment of Rs.12,000/- was made to Akash Kumar  
through On-line.

Learned counsel appearing on behalf of the petitioner  
submits that the petitioner is a *bona fide* purchaser of the said



motorcycle and he was not even knowing this fact that there had ever been instituted any case with regard to the theft of the said motorcycle, in question. Further submission has been made that there is complete defiance of Section 100 of the Cr.P.C., inasmuch, as no independent witnesses to the seizure list. He next submits that the petitioner is a man of fair antecedent and is in custody since 28.02.2023.

On the other hand, learned APP for the State opposes the bail application.

Regard being had to the submissions made on behalf of the parties and considering the fact that the investigation of the crime is complete and charge-sheet has been submitted, coupled with the fact that the offence is triable by the Magistrate and there are various other infirmities in the preperation of the seizure list, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Aurangabad in connection with Aurangabad Mufassil P.S. Case No. 82 of 2023, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

- (i) The petitioner will cooperate in conclusion of the



trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

**(Harish Kumar, J)**

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