

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32866 of 2023

Arising Out of PS. Case No.-394 Year-2022 Thana- BIBHUTIPUR District- Samastipur

NEERAJ KUMAR S/O LAKHINDAR RAI @ LAKHINDAR RAY R/O
Village- Basadhiya, P.S- Dalsingsarai, Distt.- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mahendra Pratap, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 24-08-2023 Heard the parties.

The petitioner is in judicial custody in connection with Bibhutipur P.S. Case No.394 of 2022 instituted under Section 392 of the IPC lodged on 11.10.2022 by the informant Vivek Kumar.

As per the prosecution story, the informant who is employee of pharmaceutical company alleged that while he was returning from Dalsinghsarai to Rosera on his motorcycle, the accused persons intercepted him and on looted his motorcycle, mobile, working bag and cash of Rs.7000/-. Accordingly, the FIR.

Learned counsel for the petitioner submits that he has not been named in the FIR and remanded in this case from Sarairanjan P.S. Case No.292 of 2022. It is further submission that in Sarairanjan P.S. Case No.292 of 2022, police recovered



two motorcycles, one belong to the present case, this followed his self-confessional statement and has already remained in custody since 20.12.2022.

Learned APP opposes the prayer for bail stating that the stolen motorcycle was recovered from his possession.

Considering the aforesaid facts as also that he is in custody since 20.12.2022, no TI parade has been conducted, this Court is inclined to grant him privilege of bail only after the framing of charges in view of the fact that he has criminal antecedent.

Let the petitioner be released on bail after the framing of charges on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each in connection with Bibhutipur P.S. Case No.394 of 2022 to the satisfaction of learned S.D.J.M., Rosera, Samastipur, subject to following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his bona fide;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail



bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

Prakash Narayan

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