

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34743 of 2023

Arising Out of PS. Case No.-299 Year-2022 Thana- MOTIPUR District- Muzaffarpur

Raushan Kumar S/O- Vinod Sah Village- Chapra Kali Mandir Ward No-2, Ps-
Kanti Dist- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Ranjan, Advocate

For the Opposite Party/s : Mr. Ram Sevak Choudhary, A.P.P.

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 24-06-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with
Motipur P.S. Case No. 299 of 2022 dated 17.08.2022, instituted
for the offence punishable under Sections 392 of the Indian
Penal Code.

3. The prosecution case, in short, is that on
14.08.2022 at about 10.30 P.M., informant's pick-up van
carrying gram and pulse was looted by 4 unknown miscreants
and they fled away leaving the driver of the pick-up van in an
unconscious state. On search, informant found his pick-up van
but the loaded items were missing.

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



case. Learned counsel for the petitioner submits that petitioner is not named in the F.I.R and his name has been transpired in this case only on the basis of confessional statement of co-accused Rahul Kumar. Nothing has been recovered from the possession of the petitioner. No T.I.P. has been conducted till date. Learned counsel for the petitioner submits that pick-up van was looted by four unknown persons and on the next day i.e. 15.08.2022 driver come to the informant and the pick-up van of the informant was recovered from road near Patahi, but the F.I.R. was lodged on 17.08.2022 for which no reasonable explanation has been given. Lastly, it has been submitted that the petitioner is in custody since 30.09.2022 having seven criminal cases. Charge-sheet has been submitted in the case.

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

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate 2nd (West) Muzaffarpur, in Motipur P.S. Case No. 299 of 2022, subject to the following conditions:-



I. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

II. One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.

III. The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his 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.

IV. 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.

(Khatim Reza, J)

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