

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34596 of 2023

Arising Out of PS. Case No.-69 Year-2023 Thana- MADHEPURA District- Madhepura

Deepak Kumar, aged about 25 years, Male, Son of Ajay Yadav, Resident of
Village- Bhirkhi Navtoliya, Ward No. 21, PS and District- Madhepura

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Ashwani Kumar Tiwary, Advocate
For the Opposite Party : Mr. Bharat Bhushan, 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
Madhepura P.S. Case No. 69 of 2023 dated 19.01.2023,
instituted for the offence punishable under Sections 420, 379,
411, 414, 413 of the Indian Penal Code and under Sections 179
& 181 of Motor Vehicle Act.

3. The prosecution case, in brief, is that on 19.01.2023
while checking vehicles, the informant signaled to stop a vehicle
but it was driven away at very fast speed. Thereafter, the
informant apprehended the vehicle and the petitioner was found
to be driving the said vehicle and was unable to produce
requisite documents. On investigation, it was found that the
vehicle is not registered and a fake registration number is being



used on the vehicle and hence it is suspected to be stolen.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. It is further submitted that the alleged vehicle was purchased in the name of Diwakar Kumar S/o Shashi Kant Yadav on 14.01.2020 and thereafter the said vehicle was sold to the petitioner through Bikrinama dated 10.12.2022. From perusal of case diary in para 27 & 28, it is evident that independent witnesses, namely, Ashish Kumar and Dilkhush Kumar stated that the alleged vehicle was standing near Shiv Adarsh Hotel and in paragraph 34 of the case diary, DTO, Madhepura stated that this vehicle is BS4 model so this was not registered at the time of occurrence. Further, it is submitted that the petitioner was not arrested from the spot, he was arrested from his house. Lastly, it has been submitted that the petitioner is in custody since 20.01.2023, charge-sheet has been submitted in the case and he has 14 criminal antecedents against him.

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 Chief Judicial Magistrate, Madhepura in Madhepura P.S. Case No. 69 of 2023, 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 on his absence on two consecutive dates without sufficient reason, his 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 his wife.

(3) 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.

(4) 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)

Gaurav Kumar/-

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