

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38207 of 2023**

Arising Out of PS. Case No.-243 Year-2023 Thana- PHULWARISHARIF District- Patna

RAVI BHUSHAN @ RAVI YADAV @ RAVI BHUSHAN KUMAR Son of
Kameshwar Yadav Resident of Village- Baliyari, PS- Bikram, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shovendra Kumar, Adv.

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

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

3 18-09-2023 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in connection with
Phulwari Sharif P.S. Case No. 243 of 2023 registered for the
offence under Sections 411, 413, 414/34 of the Indian Penal
Code.

According to the prosecution, three persons are
alleged to have been apprehended by the police who were
having illegal possession of motorcycle and Auto.

Learned counsel appearing for the petitioner
submits that the petitioner is innocent and has falsely been
implicated in this case. He further submits that in all three
cases mentioned in the paragraph-3 of the petition,



petitioner has been remanded after the present F.I.R. He further submits that on bare perusal of the F.I.R. and the seizure list, it appears that nothing incriminating has been recovered from the conscious possession of the petitioner rather an auto (Tempo) bearing registration No BR01PN0748 has been recovered from his possession but the same is his own vehicle. He further submits that the petitioner is absolute owner of the auto (Tempo) against which seizure list has been prepared by the police and a certificate of registration in favour of the petitioner is also annexed in the supplementary affidavit filed by the petitioner which clearly suggest that the petitioner is owner of the auto in question. He further submits that no other incriminating material, as alleged in the F.I.R., has been recovered from the conscious possession of the petitioner and merely on the basis of suspicion, this petitioner has been implicated in this case. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 16.02.2023.

Learned A.P.P. for the State on the basis of material available on record and the case diary vehemently opposed



the prayer for bail of the petitioner and submits that the petitioner carries three more cases other than the present one but he fairly submits on the basis of paragraph-3 of the bail petition that the petitioner has been remanded in all three cases after registration of the present F.I.R.

Considering the facts and circumstances of the case, let the, above named, petitioner 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 learned A.C.J.M.-XIV, Patna in connection with Phulwari Sharif P.S. Case No. 243 of 2023 with 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled 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.

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)

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