

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.36936 of 2023

Arising Out of PS. Case No.-38 Year-2023 Thana- DARIHAT District- Rohtas

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DHARMENDRA SINGH S/O BIGU SINGH R/O Village- Bisaini Kala, P.S-
Rajpur, Distt.- Rohtas. Petitioner/s

Versus

The State of Bihar Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shankar Kumar, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 12-07-2023 Heard the parties.

The petitioner is in custody since 13.2.2023 in connection with Darihat P.S. Case No. 38 of 2023 for the offence punishable under Sections 414/34 of the I.P.C. lodged on 12.2.2023 by the informant Bimlesh Kumar.

The prosecution story, in brief, is that Bimlesh Kumar submitted his written statement alleging therein that on 11.02.2023 at about 22.00 Hrs. he alongwith other police party was on patrolling duty and when he was reached at Ayerkotha, received a secret information that one person was coming on stolen Passion Pro Motorcycle from Delhi to Ayerkotha. On such information, the vehicle checking was started at Ayerkotha and after some times, at about 5:20 PM., he saw a motorcycle was coming from Darihat. It was intercepted and as driver of the motorcycle tried to escape was apprehended. He disclosed his name as Dharmendra Singh (the petitioner) and on demand, he could not produce the paper of the motorcycle, nor the



number plate of vehicle was found on it. On query, he further disclosed that the said motorcycle was stolen one, which he purchased on Rs. 5000/-through Pappu Kumar. Accordingly, the vehicle was seized, seizure list prepared and apprehended accused-petitioner was taken into custody as also the FIR.

It has been submitted by the learned counsel for the petitioner that he had purchased the motorcycle concerned through one Pappu Kumar, little realizing that it is a stolen property has already suffered by being in custody since the date of occurrence.

Learned APP opposes the prayer stating that he was caught at the spot.

Considering the submission put forward by the learned counsel for the petitioner, is in custody since the date of occurrence as also has no criminal antecedent and will ultimately face the trial, this Court is inclined to extend him the privilege of bail with conditions.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Judicial Magistrate,-1st Class, Rohtas at Sasaram, in connection with Darihat P.S. Case No. 38 of 2023 subject to the 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 month for next one year to mark his 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 his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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