

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.39442 of 2023**

Arising Out of PS. Case No.-317 Year-2022 Thana- KOTWA District- East Champaran

Raj Kumar Mukhiya S/o- Brij Kishore Mukhiya Village- Bathana Ps-  
Banjariya Dist- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Kundan Rathore@ Kundan Kumar

For the Opposite Party/s : Mr. Ajay Kumar No. 2

**CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR**  
**ORAL ORDER**

2      07-07-2023                      Heard Ld. counsel for the petitioner and Ld. APP  
for the State.

The petitioner seeks bail in connection with Kotwa  
P.S. Case No.317 of 2022, registered for the offences  
punishable under Sections 379, 511 of the Indian Penal  
Code.

The prosecution case as emerges from the FIR is  
that the petitioner is alleged to have attempted to commit  
theft of a motorcycle bearing Registration No. BR05-  
AB0529.

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



case. He also submits that nothing has been recovered from the petitioner and the petitioner has no concern with the alleged crime.

He further submits that the petitioner has been languishing in jail since 05.08.2022.

It has also been stated in paragraph no. 3 of the bail petition that the petitioner has earlier been made accused in three other cases.

It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one.

However, Ld. APP for the State vehemently opposes the prayer of the petitioner for bail.

Considering the aforesaid facts and circumstances, **this application is allowed**, directing the petitioner, above-named, to be enlarged on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Ld. Chief Judicial Magistrate, Motihari, East Champaran, in connection with Kotwa P.S. Case No.317 of 2022 on the following



conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not get hampered on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has criminal antecedents other than the disclosed one, Ld. court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is



wrong, Ld. court below shall cancel the bail bonds of the petitioner.

Ld. counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

**(Jitendra Kumar, J)**

chandan/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

