

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41043 of 2023

Arising Out of PS. Case No.-76 Year-2023 Thana- MOHAMMADPUR District- Gopalganj

DHARM NATH PRASAD S/O LATE INDRASHAN PRASAD R/O Village-
Bankat, P.S- Barauli, Distt.- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Naresh Prasad, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 21-07-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is in custody since 16.04.2023 in connection Mohammadpur with P.S. Case No. 76 of 2023 for the offence punishable under Sections 413, 414, 420, 467, 468 and 120 (B) of the I.P.C. lodged on 15.04.2023 by the informant Nand Kishore Upadhyay.

As per the prosecution story, the police upon information that a person is moving on a stolen vehicle intercepted and apprehended. It was the petitioner herein with a Bolero which according to him was purchased from one Ramesh Shah and as he was proceeding to collect the papers from him, was arrested.

It is the submission of the learned counsel for the



petitioner that under *bona fide* belief that it is a genuine vehicle, he purchased the same little realizing that it will take him into judicial custody.

Learned APP opposes the prayer.

Considering the aforesaid facts as submitted by the learned counsel for the petitioner and that he is in custody since 16.04.2023 (as stated in para 8 in the bail application), 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 Additional Chief Judicial Magistrate-VI, Gopalganj, District Gopalganj, in connection with Mohammadpur with P.S. Case No. 76 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 fortnight for next six months 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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