

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49829 of 2023

Arising Out of PS. Case No.-160 Year-2023 Thana- BIBHUTIPUR District- Samastipur

Bipin Kumar Thakur @ Vipin Kumar Son Of Late Mahendra Thakur Resident
Of Village- Malpur, P.S- Khodwandpur, Dist- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Krishna Chandra, Advocate

For the Opposite Party/s : Mr. Nand Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 16-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. Petitioner seeks bail, who is in custody since 09.05.2023, in connection with Bibhutipur P.S. Case No. 160 of 2022, F.I.R. dated 02.05.2023 registered for the offences punishable under Section 394 of the Indian Penal Code.

3. The F.I.R. of the occurrence of loot is against unknown.

4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has been falsely implicated in the present case. He further submits that the petitioner is not named in the F.I.R. and the name of the petitioner has been transpired during investigation on the basis of confessional statement of co-accused person namely Rahul



Kumar and thereafter the petitioner was apprehended and on the confessional statement of the petitioner the chesis of the motorcycle was recovered near the bank of the Budhi Gandak river and some spare parts of looted motorcycle was also recovered from the garage of the petitioner. He further submits that the alleged occurrence had taken palce on 10.04.2023 and the statement of the informant was recorded on 13.04.2023 but the present F.I.R. was instituted on 02.05.2023 and there is non compliance of Section 100 of the Cr. P.C. The petitioner is in custody since 09.05.2023.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Rosera, Samastipur in connection with Bibhutipur P.S. Case No. 160 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 shall remain physically present as directed 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) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) 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 antecedents, 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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