

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 56888 of 2023

Arising Out of PS. Case No.-395 Year-2022 Thana- MANIYARI District- Muzaffarpur

RAKESH KUMAR SON OF SRI SHAMBHU MAHTO RESIDENT OF
VILLAGE- JAGDISHPUR KHASH, PS- TISIOUTA, DIST- VAISHALI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Ram Shankar Das, Advocate

For the Opposite Party/s : Mr Bharat Bhushan, APP

CORAM: HONOURABLE MR JUSTICE RAJIV ROY

ORAL ORDER

2 30-08-2023 Heard Mr Ram Shanker Das, learned counsel for the
petitioner and Mr Bharat Bhushan, learned APP.

2 The petitioner is in judicial custody in connection with Maniyari PS Case No 395 of 2022 registered for the offence punishable under Sections 414, 467, 468/34 of Indian Penal Code.

3 As per the prosecution story, the villagers caught hold of two criminals with stolen motorcycle who disclosed their names as Rakesh Kumar (petitioner) and Janak Kumar. They failed to provide any valid document for the motorcycle. Further, master key and mobile phones were also recovered from them. It further came to notice that earlier, with the help of master keys, they had stolen another vehicle which



subsequently was recovered from the house of co-accused Neeraj Kumar. Accordingly, the FIR lodged.

4 Learned counsel for the petitioner submits that the petitioner has nothing to do with the recovered motorcycle. In fact, the second vehicle, which has been attributed as stolen Scooty bearing Registration No BR31 AQ-7760 belongs to him. The last submission is that other similarly situated co-accused persons have already been granted bail by this Court in Cr Misc No 11131 of 2023 (Neeraj Kumar @ Nishant) and Cr Misc No 12420 of 2023 (Janak Kumar).

5 Learned APP opposes the prayer for bail.

6 Taking into account the submission of learned counsel for the petitioner, period of custody (24.11.2022), petitioner does not have criminal antecedent and similarly situated other co-accused persons having been granted bail, this Court is inclined to extend him the privilege of bail with conditions.

7 Let the petitioner above named be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Judicial Magistrate, Muzaffarpur West in Maniyari PS Case No 395 of 2022 subject to the following conditions:



(i) One of the bailors 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 bonds 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 his 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.

8 With the aforesaid observations, this application is
allowed.

(Rajiv Roy, J)

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