

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56644 of 2023

Arising Out of PS. Case No.-435 Year-2023 Thana- VAISHALI District- Vaishali

Rakesh Kumar S/O Maya Shankar Singh R/O Vill- Kolhua Paigambarpur, Ps-
Ahiyapur, Dist- Muzaffarpur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mrs.Sucheta Yadav, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 30-08-2023 Heard Mr. Arun Kumar, learned counsel for the
petitioner and Mrs. Sucheta Yadav, learned APP for the State.

The petitioner is in judicial custody in connection with Hazipur Town P.S. Case No. 435 of 2023 for the offence punishable under Sections 413, 414, 34 of the Indian Penal Code lodged on 7.6.2023 by the informant, Azmatullah Khan.

As per the prosecution story, the police intercepted a motorcycle with two persons which included the petitioner, Rakesh Kumar and upon demand of the paper, they failed to provide any document. Accordingly, considering the same to be a stolen motorcycle, they were taken into custody. Accordingly, the FIR.

It is categorical submission of the learned counsel for the petitioner that the vehicle belongs to the family and was



released very next day to his brother, they have been made accused and put under custody since 8.6.2023 (para-9 of the petition).

Learned APP Mrs. Sucheta Yadav submits that from paragraph-7 it is not clear to whom, the motorcycle was released.

In view of the categorical submission put forward by the learned counsel for the petitioner that the motorcycle belongs to the family, only because document was not shown, they were taken into custody (8.6.2023), this Court is inclined to extend him the privilege of bail with conditions. If however, it is found that the motorcycle was actually stolen and do not belong to his family member, this order shall become infructuous.

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 Chief Judicial Magistrate, Vaishali at Hajipur, in connection with Hazipur Town P.S. Case No. 435 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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