

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56793 of 2023

Arising Out of PS. Case No.-120 Year-2020 Thana- VISHNUPAD District- Gaya

Nitish Kumar Son Of Arjun Raut Village Marranpur, Khatkachak, Ps-
Vishnupad, Dist- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arun Kumar

For the Opposite Party/s : Mr.Ram Sevak Choudhary

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 30-08-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Vishnupad P.S. Case No. 120 of 2020 lodged on 18.07.2020
under Section 414/34 of the Indian Penal Code.

3. As per prosecution case, FIR has been lodged
against five named accused persons. Petitioner along with other
co-accused persons are involved in selling of stolen
motorcycles.

4. Learned counsel for the petitioner submits that
petitioner has not been apprehended from the place of
occurrence rather his name has figured in this case by virtue of
confessional statement of the person who has been apprehended
by the police from the place of occurrence. Counsel submits that



nothing was recovered from the possession of the petitioner. He submits that the section in which FIR has been lodged are magisterial triable. Counsel submits that there are two criminal antecedents on the petitioner leading to excise matter and in both the cases, he is on bail. Petitioner is in custody since 11.06.2023.

5. Learned counsel for the State opposes the prayer for bail.

6. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gaya, in connection with Vishnupad P.S. Case No.120 of 2020, 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 bonds by the Trial Court itself;



(iii) the petitioner shall appear before the concerned police station every month for one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and

(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 the bail bonds.

(Dr. Anshuman, J)

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