

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58671 of 2023

Arising Out of PS. Case No.-162 Year-2023 Thana- PHULWARIYA District- Gopalganj

KRISHNA KUMAR @ OM PRAKASH CHAUHAN @ OM PRAKASH
SON OF HARENDRA CHOUHAN @ BIRENDRA CHOUHAN RESIDENT
OF VILLAGE BASRAWNA PS BHOORE DISTRICT GOPALGANJ

... .. Petitioner/s

Versus

THE STATE OF BIHAR PATNA

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhramveer, Advocate

For the Opposite Party/s : Mr. Akbar Ali, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 04-09-2023 Heard the parties.

2. The petitioner is in custody in connection with Fulwariya P.S. Case No. 162 of 2023 for the offence under sections 413/414/34 of the Indian Penal Code lodged on 13.05.2023 by the informant, Anil Ram.

3. As per the prosecution story, the informant had alleged that a person on a motorcycle has been found in a suspected condition, moved to the said place and apprehended with the said motorcycle and upon inquiry, he informed that the same is stolen one. Subsequently, another motorcycle was recovered from his house. This led to the arrest of the petitioner, preparation of seizure list and the FIR.



4. Learned counsel for the petitioner submits that he never knew that it is the stolen motorcycle, one Guddu Chouhan, his friend has parked the same in his house which was found to be a stolen one and has already suffered by being in custody since 15.05.2023 (as stated in paragraph 14 of the petition).

5. Learned APP opposes the prayer for bail.

6. Taking into account the submissions put forward by the learned counsel for the petitioner as also the fact that he is in custody since 15.05.2023, do not have criminal antecedent and chargesheet has been submitted, this Court is inclined to extend him the privilege of bail with conditions.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned A.C.J.M.-XVI, Gopalganj, in connection with Fulwariya P.S. Case No. 162 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/her 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 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.

8. With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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