

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.58182 of 2023**

Arising Out of PS. Case No.-176 Year-2023 Thana- SISWAN District- Siwan

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1. Vivek Kumar Son Of Rajeshwar Rai @ Rajeshwar Bhar
  2. Shiwam Kumar Son Of Achchelal Sah
- Both are R/o Village- Devpura, P.S- Rasulpur, Dist- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Ranjan Kumar Dubey, Advocate  
For the Opposite Party/s : Mr.Akshay Lal Pandit, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

2      13-09-2023                      Heard learned counsel for the petitioners and learned  
Additional Public Prosecutor for the State.

2. Petitioners seek bail, who are in custody since 19.06.2023 in connection with Siswan (Chainpur O.P.) P.S. Case No.176 of 2023, F.I.R. dated 19.06.2023 for the offences punishable under Sections 413,414 of the Indian Penal Code.

3. Allegation against the petitioners is that they apprehended with one stolen motorcycle. On being asked about the paper of the said motorcycle, they did not produce the same nor they have given proper reply.

4. Learned counsel for the petitioners submits that for the same stolen motorcycle, Raghunathpur P.S.Case No.130 of 2023 under Section 379 of the IPC was registered against



unknown persons and as per FIR the motorcycle in question was recovered and the petitioners have fled away from the place of recovery and petitioners are named in the FIR. Learned counsel for the petitioners submits that in fact the motorcycle was parked at the place of recovery and the petitioners are standing near the motorcycle and on the basis of suspicion the petitioners have been falsely implicated in the present case and the police, after investigation, submitted chargesheet against the petitioners and the petitioners are in judicial custody since 19.06.2023.

5. The learned Additional Public Prosecutor for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioners and submits that the petitioners carry one more case other than the present one but fairly submits that the cases which were pending against the petitioners are pertaining to same occurrence.

6. Considering the aforesaid facts and circumstances, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Siwan in connection with Siswan (Chainpur O.P.) P.S. Case No.176 of 2023, subject to the following conditions:-



I. Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

II. If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

III. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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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