

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 59265 of 2023

Arising Out of PS. Case No.-259 Year-2023 Thana- BAKHTIYARPUR District- Patna

VIKASH KUMAR S/O LAL BABU RAI R/O VILLAGE- RAGHOPUR,
NAYATOLA, WARD NO. 27, P.S- BAKHTIYARPUR, DISTT.- PATNA,
BIHAR.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Prince Kumar Mishra, Advocate

For the Opposite Party/s : Mr Umanath Mishra, APP

CORAM: HONOURABLE MR JUSTICE RAJIV ROY

ORAL ORDER

2 **08-09-2023** Mr Prince Kumar Mishra, learned counsel for the
petitioner, at the outset, submits that he may be permitted to
delete paragraph 8 of the petition.

2 Permission granted.

3 Heard the parties.

4 The petitioner is in judicial custody in connection
with Bakhtiyarpur PS Case No 259 of 2023 dated 16.06.2023
registered for the offence punishable under Sections 413, 414,
420, 467, 468/34 of Indian Penal Code.

5 It is the case of the prosecution that while on
patrolling, the informant found two bikers coming from
Bakhtiyarpur side and on seeing the checking of the vehicle,
they tried to escape. They were apprehended with two



motorcycles. After their confession, the hut of the petitioner was raided and another set of stolen motorcycles recovered/seized.

6 Learned counsel for the petitioner submits that the petitioner is a student, young boy of 20 years, the hut is open from all sides accessible to everyone, has suffered by being in custody since 17.06.2023 (paragraph 15 of the petition).

7 Learned APP, on the other hand, submits that the petitioner has criminal antecedent and, as such opposes the prayer for bail.

8 Considering the submissions put forward by the parties, the materials on record as also the fact that nothing has been recovered from the conscious possession of the petitioner rather from the hut, which is open, is in custody since 17.06.2023, this Court is inclined to extend him the privilege of bail with conditions.

9 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 Additional Chief Judicial Magistrate III, Barh in Bakhtiyarpur PS Case No 259 of 2023 dated 16.06.2023 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.

10 With the aforesaid observations, this application is
allowed.

(Rajiv Roy, J)

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