

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62318 of 2023

Arising Out of PS. Case No.-706 Year-2022 Thana- BARH District- Patna

Rajesh Kumar S/O Sri Ravindra Yadav @ Nageshwar Yadav R/O Village-
Mokimpur, P.S- Barh, Distt.- Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Lalan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 27-09-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

2. The petitioner seeks bail, who is in custody since
24.03.2023 in connection with Barh P.S.Case No. 706 of
2022, F.I.R. dated 29.10.2022 registered for the offence
punishable under Sections 411,379 and 34 of IPC.

3. The prosecution case, in short, is that the
informant alleges that with the help of police party one boy is
caught by the police with one stolen motorcycle and disclosed
his name as Kundan Kumar and the apprehended person was
disclosed the name of the petitioner.

4. Learned counsel appearing for the petitioner
submits that the petitioner has falsely been implicated in the
present case and the name of the petitioner has been



transpired on the basis of the disclosure made by co-accused person, namely, Kundan Kumar. Further submits that nothing has been recovered from conscious possession of the petitioner and except the disclosure made by co-accused person, no other material has come during investigation against the petitioner to suggest the involvement of the petitioner in the present occurrence and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 24.03.2023.

5. Learned APP for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries three more cases other than the present one almost all the similar nature but fairly submits that out of three cases, the petitioner is on bail in two cases, and rest one case is pending for consideration, as mentioned in para-3 of the bail petition.

6. Considering the aforesaid facts, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned 1st Additional Chief Judicial Magistrate, Barh, Patna in connection with Barh P.S.Case No. 706 of 2022, with the following conditions:-



(I) Petitioner 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 his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(II) If the petitioner tampers 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 petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. 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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