

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63437 of 2022

Arising Out of PS. Case No.-111 Year-2022 Thana- BEERPUR District- Begusarai

1. DURGESH KUMAR S/o Jai Jai Ram Ray R/o Village- Kusmaut Ramanand Nagar, ward no. 07, P.S.- Neemachandpura, Distt- Begusarai.
2. Kare Kumar @ Karu Kumar S/o Jai Jai Ram Ray R/o Village- Kusmaut Ramanand Nagar, ward no. 07, P.S.- Neemachandpura, Distt- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 26-04-2023 Heard the parties.

Petitioner is in custody since 25.08.2022 in Birpur P.S. Case No. 111 of 2022 under Sections 379/411 of the Indian Penal Code lodged on 24.08.2022 by the informant, Pranav Kumar.

Prosecution case, in brief, is that the informant namely, Pranav Kumar on 22.08.2022 stated that at about 11.00 his motorcycle was parked on the door and after visiting the fair of Janmasthanmi he did not find the motorcycle on the door and after enquiry his motorcycle was stolen. Accordingly, the FIR.

It has been contended by the learned counsel for the petitioner that under *bona fide* belief, he purchased the



motorcycle for Rs. 10,000/- not realizing that it is stolen one for which he has already suffered by being in custody since 25.08.2022 (as stated in paragraph-12 of the petition).

Learned APP for the State opposes the prayer for bail stating that the alleged stolen motorcycle was recovered from the possession of the petitioner.

Considering the period of custody i.e. 25.08.2022 as also the fact that he has no criminal antecedent and ultimately, will have to face the trial, this court is inclined to extend the the privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of like amount each to the satisfaction of learned Judicial Magistrate-1st Class cum Additional Munsif, Begusarai in connection with Birpur P.S. Case No. 111 of 2022, 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



bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every month for next 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 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 the bail bonds.

(vi) the petitioner shall cooperate in the investigation and make himself available to the police as and when required.

(Rajiv Roy, J)

Alok Verma/-

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