

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68401 of 2023**

Arising Out of PS. Case No.-16 Year-2017 Thana- JIRADEI District- Siwan

RAJIV RAI @ BHANU PRATAP SINGH Son of Master @ Purushottam
Singh Resident of Village - Chhajwa, P.S.- Andar, District - Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Tiwary, Advocate

For the Opposite Party/s : Mr.Md. Nazir Ansari, APP

**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER**

2 01-12-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in connection with Zeradei P.S. Case No. 16 of 2017 for the offence registered under Sections 413, 414, 467 and 471 of the Indian Penal Code lodged on 14.02.2017 by the informant, Sanjiv Kumar Singh Nirala.

3. As per the prosecution story, the allegation is that on secret information about the interstate vehicle lifter which included the petitioner, the police reached the place of occurrence and though other escaped, one Nirbhai Kumar Rai @ Anish has taken into custody and on his information, a motorcycle was seized and further on his confession, the name



of the other accused persons came. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that his name has come in the confessional statement of one Nirbhai Kumar Rai @ Anish from whom the Bullet Classic Motorcycle was recovered/seized and there is nothing incriminating against him nor any recovery from his place. Last submission is that he do not have criminal antecedent.

5. Learned APP opposes the prayer for bail stating that he was a part of the interstate motorcycle lifter gang.

6. Having gone through the facts of the case as also the fact that the name of the petitioner has come in the confessional statement, nothing has been recovered from his conscious possession and he do not have criminal antecedent, this Court is inclined to grant him privilege of bail.

7. Let the petitioner, in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-I, Siwan in connection with Ziradei P.S. Case No. 16 of 2017, subject to condition as laid down under Section 438(2) of the Cr.P.C.

(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/her bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months 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.

(Rajiv Roy, J)

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