

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70587 of 2023

Arising Out of PS. Case No.-224 Year-2023 Thana- GRIYAK District- Nalanda

Rahul Kumar S/O Sri Niwas Gupta R/O Village And Ps- Rajauli, District-
Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar Verma, Advocate

For the Opposite Party/s : Mr. Kalyan Shankar, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 09-11-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner seeks regular bail in connection with
Giriyak P.S. Case No.224 of 2023, lodged on 29.04.2023, under
Section 414 of the Indian Penal Code.

3. As per the prosecution, FIR has been lodged against
three named accused persons including the petitioner against
whom the allegations are that they are used to do sell and
purchase of the theft motorcycle.

4. Learned counsel for the petitioner submits that as
per the prosecution allegation against him that a motorcycle has
been recovered from his possession which was subject to theft.
Counsel submits that the petitioner has purchased motorcycle
from the co-accused. He is completely unaware that this



motorcycle is subject to theft. Counsel submits that antecedent of the petitioner is clean as no any allegation or case relating to theft has been pending against him. He is accused in one excise matter in which he is on bail. Counsel further submits that the offence alleged under Section 414 of the Indian Penal Code which is magisterial triable. The petitioner is in custody since 30.04.2023.

4. Learned counsel for the State opposes the prayer for bail.

5. In the present facts and circumstances of this case and the submissions made above, let the petitioner, above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Nawada, in connection with Giriyak P.S. Case No.224 of 2023, subject to the conditions as laid down under Section 437(3) of the Code of Criminal Procedure with other 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 bonds by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for 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 evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and

(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.

(Dr. Anshuman, J)

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