

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66795 of 2022

Arising Out of PS. Case No.-451 Year-2022 Thana- RAMPUR District- Gaya

1. Deepak Kumar Son of Sri. Satyendra Yadav Resident of Village- Raundwa,
P.S.- Mohanpur, District- Gaya, Bihar
2. Sanjeet Kumar Son of Chandradeo Yadav Resident of Village- Dhamani,
P.S.- Mohanpur, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Anand Kishore Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 24-04-2023 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

Learned counsel for the petitioners is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

Petitioners seek bail who is in custody since
28.08.2022 in connection with Rampur P.S. Case No. 451 of
2022, F.I.R. dated 28.08.2022 for the offences punishable under
Sections 414/34 of the Indian Penal Code.

According to prosecution case, both the petitioners
were apprehended by the police and they were not able to
produce any document regarding the motorcycle which they
were riding. It is further alleged that after verification, it is
found that a theft case has already been registered against the



said motorcycle.

Learned counsel for the petitioners submits that petitioner no. 1 carries one more case other than the present one and petitioner no. 2 has clean antecedent and they have falsely been implicated in the present case. He further submits that it appears from the F.I.R. that one motorcycle was seized from the possession of the petitioners. He further submits that in fact, the petitioners have no concern at all with the alleged recovery of the motorcycle in question and the same motorcycle was given by one Gaurav Kumar. He further submits that the petitioners have no knowledge about the fact that the said motorcycle was the stolen one. He further submits that the police after investigation submitted the charge sheet against the petitioners. The petitioners are in custody since 28.08.2022.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners.

Considering the aforesaid facts and circumstances, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Gaya in connection with Rampur P.S. Case No. 451 of 2022, subject to the following conditions:-



1. Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

2. If the petitioners tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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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