

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72863 of 2023

Arising Out of PS. Case No.-151 Year-2023 Thana- RAJEPUR District- East Champaran

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RUPESH KUMAR SON OF LATE GAGANDEO PRASAD RESIDENT OF
VILLAGE -MADHUWAHA, PS- RAJEPUR, DIST- EAST CHAMPARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mrs. Asha Devi, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 22-11-2023 Heard the parties.

2. The petitioner is an accused in connection with Rajepur P.S. Case No. 151 of 2023 registered for the offences under section 392 of the Indian Penal Code lodged on 03.07.2023 by the informant, Sushil Kumar.

3. As per the prosecution story, the allegation is that the unknown persons stopped the informant and looted the motorcycle. Further, on the same day, another motorcycle was looted. Accordingly, the FIR.

4. Learned Counsel for the petitioner submits that nothing has been recovered from his conscious possession, his name has come in the confessional statement of Deepak Kumar and though he is in custody since 09.08.2023 (as stated in paragraph 13 of the bail application), no T.I. Parade has been



conducted.

5. Learned APP for the State, on the other hand, opposes the prayer for bail.

6. Taking into account the aforesaid fact as also that despite he being in custody since 09.08.2023, no T.I. Parade has been conducted and he do not have criminal antecedent, this Court is inclined to extend him privilege of bail.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousands only) with two sureties of like amount each to the satisfaction of the learned Chief Judicial Magistrate, East Champaran, Motihari in connection with Rajepur P.S. Case No. 151 of 2023, 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 his bail bonds.

8. With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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