

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73410 of 2023

Arising Out of PS. Case No.-152 Year-2023 Thana- BAIKUNTHPUR District- Gopalganj

RAHUL KUMAR @ RAHUL KUMAR SINGH son of Uday Singh @ Uday
Kumar Singh Village- Bijulpur @ Bijul pur Ps- Baikunthpur Dist- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Setu Prateek, Advocate

For the Opposite Party/s : Mrs.Pushpa Sinha.1, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 23-11-2023 Heard the parties.

2. The petitioner is in judicial custody in connection with Baikunthpur P.S. Case No. 152 of 2023 for the offence punishable under Sections 413, 414 and 34 of the Indian Penal Code lodged on 4.5.2023 by the informant, Sandeep Kumar.

3. As per the prosecution story, it has been alleged that while the police was on patrolling duty, they came to know that the petitioner is coming home on stolen motorcycle. Upon sight, intercepted, tried to escape but apprehended and then came into judicial custody. Upon query from Transport Office, the motorcycle was found to be in the name of Jaikishan Kumar for which Masarakh P.S. Case No. 87 of 2023 was already there.



4. Learned counsel for the petitioner submits that he was provided the motorcycle by Hariom Kumar to use it for some time and had no knowledge about the same to be a stolen one and has already suffered by being in custody since 5.5.2023 (para-10 of the petition).

5. Learned APP points out that there are certain loopholes in the present story inasmuch as while he has been arrested with the motorcycle for which Masarakh P.S. Case 87 of 2023 was lodged, the same does not find place in para-3 of the petition.

6. Learned counsel for the petitioner submits that to his knowledge he has not been remanded in the said case.

7. Though, from the FIR as also order sheet of learned Sessions Judge, it seems that the petitioner is a notorious criminal and is in the habit of hiding criminal antecedents.

8. Considering the fact that he is in custody since 5.5.2023, this Court finds suffice that he may be released on bail after framing of charges but before that, the concerned Court will look into para-3 of the petition to ascertain whether all the criminal antecedents have been incorporated in which the petitioner is accused or not. In case, he/she comes to the conclusion that the entire case have not been incorporated in



para-3, the bail be not extended to him.

9. Let the petitioner be released on bail after framing of the charges on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Gopalganj, in connection with Baikunthpur P.S. Case No. 152 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 fortnight for next six months to mark his 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 the 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.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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