

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73619 of 2023

Arising Out of PS. Case No.-429 Year-2023 Thana- DHAKA District- East Champaran

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ASHOK KUMAR @ RAJABABU @ RAJBABU S/O LATE SUDISHTHA
NARAYAN SINGH R/O SHITALPATTI, P.S.-CHIRAIYA, DISTRICT-EAST
CHAMPARAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Patanjali Rishi, Advocate

For the Opposite Party/s : Mr.Parmanand Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 24-11-2023 Heard Mr. Patanjali Rishi, learned counsel for the
petitioner and the State.

2. The petitioner is in judicial custody in connection with Dhaka P.S. Case No. 429 of 2023 for the offence punishable under Sections 413, 414 read with 34 of the Indian Penal Code lodged on 26.7.2023 by the informant, Amarjeet Kumar.

3. As per the FIR, on information, the police intercepted and caught the accused persons including the petitioner and the motorcycle was found to be stolen one. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that there has been allegation of having selling the stolen



motorcycle, the fact remains that he do not have any such criminal antecedent and only because he was standing near a parked motorcycle, the police implicated him in this case, he has already suffered by being in custody since 27.7.2023 (para-12 of the petition).

5. Learned APP opposes the prayer stating that the accusation is of selling the stolen motorcycle.

6. Taking into account the submission put forward by the parties as also that he is 21 years of age, do not have criminal antecedent and remained in custody since 27.7.2023, this Court is inclined to extend him the privilege of bail with conditions.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, Sikarhana, East Champaran, in connection with Dhaka P.S. Case No. 429 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.

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

(Rajiv Roy, J)

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