

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74536 of 2022

Arising Out of PS. Case No.-264 Year-2022 Thana- ARIYARI District- Sheikhpura

1. RAJIV RANJAN KUMAR Son of Ravindra Kumar Resident of Village- Bhikhochak, P.S.- Belchhi, District- Patna
2. MONU KUMAR Son of Sahdeo Kumar Resident of Village- Saksohra, P.S.- Saksohra, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sheo Nandan Prasad, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 17-04-2023 Heard learned counsel for the petitioners and
learned counsel for the State.

The petitioners are an accused in connection with Ariyari (Kassar) P.S. Case No. 264 of 2022 registered for the offences under Sections 414/34 of the Indian Penal Code lodged on 13.10.2022 by the informant, Kamendra Singh.

As per the prosecution story, the informant saw a motorcycle and Car coming from Sasbahna, he stopped them on which a person was sitting on the motorcycle fled away. On doubt, search was made and the four accused persons gave their names as Rajiv Ranjan, Sandip Kumar, Muonu Kumar and Sonu Kumar. The accused persons told the name of absconded person



as Ajit Kumar. The informant asked them and demanded papers of the vehicle but they did not produce. Accordingly, seizure list prepared and the petitioners were taken into custody.

Learned counsel for the petitioners submit that only on suspicion that the document was not provided to the police, considering it to be theft car, they were apprehended. With the help of paragraph 11, it has been submitted that the car bearing registration no. WB-20U-0479 belonged to one, Dipti Man Biswas who sold it to Dipak Kumar and thereafter Dipak Kumar in turn sold it on 17.08.2022 to Monu Kumar (petitioner no. 2). As such, Monu Kumar is the *bona fide* owner of the aforesaid car having registration no. WB-20U-0479. A sale letter to this effect has been brought on record by way of Annexure-2.

Learned APP opposes the prayer for bail stating that no document was provided when the car was intercepted.

Considering the aforesaid submission put forward by the learned counsel for the petitioners as also the chain or sequence that has been brought on record to show that for the present although there has not been transfer of ownership of vehicle, Monu Kumar (petitioner no. 2) is the custodian of the said car, has already suffered by being in custody since



14.10.2022 and as per paragraph-3, they do not have criminal antecedent, this Court is inclined to extend them privilege of bail. However, if it is found that the statement made in paragraph-3 regarding criminal antecedent with regard to either of the petitioner is false, the bail order of the said accused shall become infructuous.

Let the petitioners 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 the learned A.C.J.M.-Ist, Sheikhpura in connection with Ariyari (Kassar) P.S. Case No. 264 of 2022, subject to the following conditions:-

(i) one of the bailor should be the family member of the petitioners who shall provide official document to show their *bona fide*;

(ii) the petitioners 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 their bail bond by the Trial court itself;

(iii) the petitioners shall appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) the petitioners 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 petitioners 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.

With the aforesaid observations, the bail application is
allowed.

(Rajiv Roy, J)

Jagdish/Neha/-

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