

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13640 of 2024

Arising Out of PS. Case No.-38 Year-2023 Thana- RAHUI District- Nalanda

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1. RAJVEER KESHARI S/O PREM KESHRI R/O HOUSE NO. 207, INDRA NAGAR, MAINPURA, P.S- PATLIPUTRA, DISTT.- PATNA.
 2. RITESH KUMAR S/O MUNDRIKA YADAV R/O CHITARKOLI, P.S- RAJAULI, DISTT.- NAWADA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. S.K. Lall, Advocate
		Mr.Pramod Kumar, Advocate
For the Opposite Party/s	:	Mr.Abhay Kumar Roy, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 12-03-2024 Heard S.K. Lall, learned counsel for the petitioners
and the State.

2. The petitioners are apprehending arrest in connection with G.R. No. 510 of 2023 arising out of Rahui P.S. Case No. 38 of 2023 instituted under Sections 379, 120B/34 of the Indian Penal Code lodged on 25.1.2023 by the informant, Manikant Paswan.

3. As per the prosecution story, the informant alleged that District Mining Officer apprehended a truck which was parked and he was guarding it. As he went to attend the nature's call, upon return, the truck was missing. Accordingly, the FIR against these petitioners.



4. Learned counsel for the petitioners submit that it is ironical that the truck parked, guarded but still was taken away and in a mechanical manner, these petitioners were implicated. They do not have criminal antecedents and there is nothing on record to show that they have taken away the truck.

5. Learned APP opposes the prayer for anticipatory bail.

6. Considering the submission put forward by the parties as also the fact that has been incorporated/submitted above, they do not have criminal antecedents, this Court is inclined to extend them privilege of anticipatory bail.

7. Let the petitioners be released on bail, in the event of their arrest or surrender before the subordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each in connection with G.R. No. 510 of 2023 arising out of Rahui P.S. Case No. 38 of 2023 to the satisfaction of learned Additional Chief Judicial Magistrate-1st, Nalanda, Bihar Sharif subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other conditions.

(i) one of the bailor should be the family member of the petitioners who shall provide official document to show



his/her 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 co-operate in the investigation and make themselves available to the police as and when required;

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

(v) 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 the bail bonds;

(vi) the petitioners shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

(Rajiv Roy, J)

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