

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29264 of 2024

Arising Out of PS. Case No.-132 Year-2017 Thana- BEUR District- Patna

Prakash Kumar @ Parkash Kumar @ Prakash Chandra Upadhyay S/o Shri
Shiv Kumar Pandit R/o vill and P.O. - Ranipur, P.S. - Paliganj, Distt. - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sada Nand Roy, Advocate
For the Opposite Party/s : Mr. Arun Kumar, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 15-05-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends arrest in connection with
Beur P.S. Case No. 132 of 2017 dated 13.06.2017, instituted for
the offence punishable under Sections 379 of the Indian Penal
Code.

3. The prosecution case, in short, is that, the
motorcycle of the informant was stolen from outside his house
bearing registration no. BR 01 BW 2214 for which the present
F.I.R. has been lodged against unknown person.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and he has been falsely implicated in this
case. It is further submitted that the instant F.I.R. has been
lodged against unknown person and the name of the petitioner



has come in this case only on the basis of confessional statement of co-accused namely, Suraj Kumar. It is further stated that nothing has been recovered either from the conscious possession of the petitioner or from the house of the petitioner. It is also submitted the name of the petitioner has falsely been dragged in this case due to criminal antecedents of the petitioner. It is further submitted that no cogent evidence has been found against the petitioner during the course of investigation. Lastly, it has been submitted that the petitioner has six criminal cases against him.

5. Learned A.P.P. has opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner within a period of six weeks from today, in connection with Beur P.S. Case No. 132 of 2017, he shall be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-VIII, Patna, subject to condition as laid down under Section 438(2) of the Cr.P.C. as also to the following conditions:-



1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.

3. The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

4. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Khatim Reza, J)

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