

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28020 of 2024

Arising Out of PS. Case No.-267 Year-2023 Thana- KESARIA District- East Champaran

Raju Rai @ Raj Kumar son of Surendra Rai Resident of village- Sundarpur
Tola Mujahan Ps Kesariya District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md Ansiur Rahman, Advocate

For the Opposite Party/s : Mr.Vinod Shanker Modi, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 07-05-2024 Heard Mr.Md Ansiur Rahman, learned counsel for

the petitioner and Mr.Vinod Shanker Modi, learned

Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Kesariya P.S.Case No.267 of 2023, FIR dated 29.05.2023 registered for the offences punishable under Sections 413 and 414 of the Indian Penal Code.

3. Allegation against the petitioner is that on the search of house of petitioner, a Hero Splendor Plus make motorcycle without registration plate having Engine No. HA10ELC9F00516 was recovered from his Bhusauli and the same motorcycle was seized.

4. Learned counsel for the petitioner submits that



the petitioner has clean antecedent and he has falsely been implicated in the present case on the basis of the disclosure made by the co-accused persons, namely, Abhishek Kumar, Bholu Kumar and Sujit Kumar. Further submits that co-accused person, namely, Abhishek Kumar has disclosed that the petitioner was also involved in the present crime in question and apart from that, on the basis of the disclosure made by co-accused persons, namely, Abhishek Kumar, one motorcycle was recovered. Learned counsel for the petitioner submits that the petitioner has no concern at all with the alleged recovery of motorcycle or the co-accused persons and except the disclosure made by the co-accused persons, no other material has come during investigation against the petitioner to suggest the involvement of the petitioner in the present occurrence.

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

6. Considering the aforesaid facts, petitioner has clean antecedent and name of the petitioner has been transpired on the basis of the disclosure made by the co-accused person, let the petitioner, above named, in the event of his arrest or surrender before the court below within a



period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.10,000 (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, East Champaran, Motihari in connection with Kesariya P.S. Case No.267 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

(I) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(II) 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.

(III) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his/her criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the



acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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