

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46629 of 2024

Arising Out of PS. Case No.-431 Year-2023 Thana- DAGARUA District- Purnia

Pankaj Kumar @ Chhotu son of Shiv Kumar Village- Phata Pukur P.S.-
Rajganj Dist- Jalpaiguri W.B

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar Jha, Advocate

For the Opposite Party/s : Dr. Kumar Uday Pratap, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 10-07-2024 Heard the learned Advocate for the petitioner and the
learned APP for the State.

2. The petitioner seeks regular bail, who is in custody
in connection with Dagarua P.S. Case No. 431 of 2023 (G.R.
No. 6898 of 2023), registered for the offence punishable under
Section 414/34 of the Indian Penal Code.

3. The petitioner along with one Rakesh Gwala were
apprehended by the police personnels with stolen motorcycle.

4. Learned Advocate for the petitioner contended that
from the narrations made in the FIR, it is evident that though the
petitioner was on driving seat of the motorcycle, but it is the fact
that the co-accused Rakesh Gwala has confessed before the
police that the motorcycle belongs to him and it is he, who
purchased the motorcycle from some other persons, however, on



direction made by the police personnel, he could not produce the papers of the motorcycle. The aforesaid fact clearly shows that the petitioner has no concern with the motorcycle, in question. Moreover, there is no FIR or complaint regarding the theft of the motorcycle preceding the present FIR and, as such, no case under Section 414/34 of the Indian Penal Code is made out. This is also the contention of the learned counsel for the petitioner that the petitioner having fair antecedent and in custody since 25.12.2023 and the charge-sheet has already been submitted.

5. On the other hand, learned APP for the State vehemently opposes the bail application.

6. Regard being had to the submissions made on behalf of the parties and considering the period of custody, coupled with the fair antecedent and the allegation made in the FIR revolving around the co-accused, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Purnea in connection with Dagarua P.S. Case No. 431 of 2023 (G.R. No. 6898 of 2023), subject to the condition that one of the bailors will be the local resident of the petitioner with



further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) 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 criminal antecedent, the court below shall take immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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