

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48121 of 2024

Arising Out of PS. Case No.-53 Year-2024 Thana- KHAJAULI District- Madhubani

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Dilip Kumar Das, S/o Vishnudev Das, R/o vill - Balirajpur Tola, Bhaban Toli,
P.S. - Babubarhi, Distt. - Madhubani, Presently resides at vill - Datuar, P.S.-
Khajauli, Distt. - Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Ms. Kumari Pallavi, Adv.

For the Opposite Party/s : Mr. Satyendra Narayan Singh, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 18-09-2024 Heard Ms. Kumari Pallavi, learned counsel for the

petitioner and Mr. Satyendra Narayan Singh, learned counsel for

the State.

2. The petitioner seeks regular bail, who is in custody
in connection with Khajauli P.S. Case No. 53 of 2024 registered
for the offence punishable under Section 414 of the Indian Penal
Code.

3. The petitioner is said to be involved in theft of the
motorcycle. The police on receipt of secret information
conducted raid, however, noticing the police party, two persons
including the petitioner, who were said to be seated in the
motorcycle, succeeded in fleeing away after leaving the
motorcycle. However, the petitioner was later on apprehended.



4. Learned counsel for the petitioner submitted that, in fact, nothing has been recovered from the conscious possession of the petitioner. However, only on account of past criminal antecedent, the name of the petitioner has been implicated. It is further contended that the motorcycle in question was recovered near the bank of river Dhar and the seizure list also fortified the aforesaid contention. The witnesses to the search and seizure are also police personnel and it smacks *mala fide* on the part of the police. Be that as it may, now the petitioner has been incarcerated since 31.03.2024 and the investigation of the crime is complete.

5. On the other hand, learned counsel for the State opposed the bail application and submitted that the petitioner bears three criminal antecedent and the recovery of the stolen motorcycle has been made from his possession.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the crime in question is triable by the Magistrate and the investigation of the crime is complete and the charge-sheet has been submitted, coupled with the infirmities shown in the search and seizure, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of



the like amount each to the satisfaction of learned I/C C.J.M.,
Madhubani in connection with Khajauli P.S. Case No. 53 of
2024, subject to the condition that one of the bailors will be the
close relatives 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.

(Harish Kumar, J)

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