

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50519 of 2024

Arising Out of PS. Case No.-309 Year-2024 Thana- SAHARSA SADAR District- Saharsa

Ravindra Kumar @ Ravindra Kumar Ravi Son of Birendra Kumar Bimal R/o Village- Naharwar, Ward No.08, P.S.- Maihishi, District- Saharsa and at present R/o Mohalla- Masomat Pokhar, Bangaon Road Saharsa, P.S. and District- Saharsa (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Akash Anand, Adv.

For the Opposite Party/s : Mr. Tarun Prasad Mandal, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 24-07-2024 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

2. The petitioner seeks regular bail, who is in custody in connection with Saharsa Sadar P.S. Case No. 309 of 2024 registered for the offences punishable under Sections 399, 402 and 414 of the Indian Penal Code and Sections 25(1-B)a, 26 and 35 of the Arms Act.

3. On a secret information regarding assemblage of some miscreants to commit a crime, the police conducted raid and apprehended three persons including the petitioner. On search, apart from some incriminating materials, one loaded country made pistol and a motorcycle were recovered.

4. Learned counsel for the petitioner referring to the



FIR, submits that though the FIR suggests that the stolen motorcycle has been recovered from the possession of the petitioner but the fact is that the petitioner has neither any concern with the motorcycle in question nor with the accused persons, who were apprehended by the police personnel. It is further contended that the petitioner is a student of B.Sc. Hons. (Math) Part-I and on the alleged date of occurrence, when the raid was conducted, the petitioner was standing on the place of occurrence and on suspicion, he was apprehended. The petitioner has absolutely fair antecedent and now he is in custody since 27.03.2024. It is lastly contended that the other persons from whose possession, the country made pistol and other incriminating material were recovered, have been granted bail by the court below itself.

5. On the other hand, learned counsel for the State vehemently opposed the bail application and submitted that the stolen motorcycle has been recovered from the possession of the petitioner.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that there is neither any compliant nor any FIR preceding to the present FIR, showing that the alleged motorcycle was a subject matter of



theft, coupled with the fair antecedent of the petitioner and the averment made in the application that the petitioner is a student, 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 Chief Judicial Magistrate, Saharsa in connection with Saharsa Sadar P.S. Case No. 309 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.

(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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