

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53349 of 2024

Arising Out of PS. Case No.-25 Year-2024 Thana- DARBHANGA SADAR District-
Darbhanga

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Raj Kumar Paswan Son of Ram Dayal Paswan Resident of Vill- Biratpur,
P.S.- Basopatti, Dsitriect- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nilendu Kumar Choudhary, Advocate
For the Opposite Party/s : Mr. Dashrath Mehta, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 07-08-2024 Heard Mr. Nilendu Kumar Choudhary, learned
Advocate for the petitioner and the learned APP for the State.

2. The petitioner seeks grant of regular bail, who is in custody in connection with Town P.S. Case No. 25 of 2024 registered for the offence punishable under Sections 379 and 411 of the Indian Penal Code.

3. The allegation against the petitioner is of theft of a motorcycle. The prosecution case alleges that when the informant went to Smart Bazaar after parking his motorcycle in front of the mall; when he returned from the market he did not find his motorcycle. From the CCTV footage it transpired that one unknown person has stolen his bike.

4. Learned Advocate for the petitioner contended that



the FIR has been instituted against unknown person, however, the petitioner was apprehended in connection with Darbhanga Sadar P.S. Case No.61 of 2024 in which the police recorded his confession that he along with Patlu Kumar has stolen the bike of the informant and on the disclosure made by the petitioner the stolen bike was recovered from the Dilli More near over bridge. Adverting to the aforesaid fact learned advocate further contented that the petitioner was neither identified by the informant whether he was the person who had stolen the motorcycle and his resemblance is found in the CCTV footage. The recovery of the motorcycle from the Dilli More near over bridge which is an open place also makes the entire case doubtful. It is next contended that the petitioner is in custody since 13.02.2024 though for the same offence he was arrested on 31.01.2024 in Sadar P.S. Case No.61 of 2024 from where he has been remanded in this case. Be that as it may the crime in question is triable by the Magistrate and now the petitioner has been incarcerated since 13.02.2024. Except the aforesaid two criminal cases the petitioner has no other criminal antecedent to his credit. It is lastly contended that now the investigation of the crime is complete and the charge-sheet has been submitted.

5. On the other hand, learned APP for the State



vehemently opposes the bail application and submitted that on the disclosure made by the petitioner the stolen motorcycle has been recovered.

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 now the petitioner has been incarcerated since 13.02.2024; the investigation of the crime is complete, 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 Chief Judicial Magistrate, Darbhanga in connection with Town P.S. Case No. 25 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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