

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54481 of 2024

Arising Out of PS. Case No.-9 Year-2024 Thana- RAMPUR HARI District- Muzaffarpur

Chandan Kumar Son Of Rakesh Prasad Resident of Village -Gadai Chak, P.S.
-Minapur, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhavesh Kumar, Advocate

For the Opposite Party/s : Mr. Mohammed Arif, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 14-08-2024 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 Rampur Hari P.S. Case No. 09 of 2024,
registered for the offence punishable under Section 379 of the
Indian Penal Code.

3. Based upon the written report, the prosecution
alleges that in the night of 09.01.2024, some unknown thieves
have stolen the motorcycle of the informant.

4. Learned Advocate for the petitioner contended that
the FIR has been instituted against unknown thieves. However,
during the course of investigation, three persons were
apprehended along with stolen motorcycle and on the basis of
the confession made by the apprehended accused persons, the
petitioner had been remanded in the present case. It is further



contended that only because of the fact that the petitioner is carrying three criminal antecedent, his name has been implicated in this case without there being any materials available on record. Be that as it may, the offence, in question, is triable by the Magistrate and now the petitioner has been incarcerated since 28.02.2024.

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 fact that the entire case against the petitioner is based upon confessional statement and the offence, in question, is triable by the Magistrate, 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 Additional Chief Judicial Magistrate IX (East), Muzaffarpur in connection with Rampur Hari P.S. Case No. 09 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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