

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57485 of 2024

Arising Out of PS. Case No.-436 Year-2023 Thana- BHAGWAN BAZAR District- Saran

Rahul Kumar @ Rahul Patel S/O Ramesh Kumar R/O Vill- Ratanpura,
Ashutosh Lane, P.S.- Bhagwan Bazar, Distt.- Saran at Chapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mrs. Indu Kumari Srivastava, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 11-09-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. In the present case, the petitioner is apprehending his arrest in connection with Bhagwan Bazar P.S. Case No. 436 of 2023 registered for the alleged offences under Sections 379 and 411 of the Indian Penal Code.

3. As per prosecution case, three persons riding a motorcycle were signaled to stop during checking of vehicles. They tried to flee away with the motorcycle, however, two of them were apprehended and motorcycle was found to be stolen. Petitioner is stated to be the person who fled away from the spot.

4. Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent has been falsely



implicated in this case. Petitioner was not apprehended from the spot and nothing incriminating has been recovered from his person or possession. The name of the petitioner has been given at the instance of his enemies and there is no material to show the complicity of the petitioner in the offence as alleged. Under these circumstances, no offence under Sections 379 and 411 of IPC is made out against the petitioner. Petitioner is having clean antecedent.

5. Learned APP opposes the submission made on behalf of the petitioner.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the lack of substantive material to connect the petitioner with the offence as alleged and also considering the clean antecedent of the petitioner as well as possibility of false implication, let the petitioner named above, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-Ist, Saran at Chapra/ court concerned, in connection with Bhagwan Bazar P.S. Case No. 436 of 2023,



subject to the condition laid down under section 438(2) of the
Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative
of the petitioner.
- (ii) The petitioner will remain present on
each and every date fixed by the court below,
if so required by the learned trial court.

(Arun Kumar Jha, J)

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