

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59774 of 2024

Arising Out of PS. Case No.-199 Year-2024 Thana- VAISHALI District- Vaishali

Aman Kumar, S/o- Kunal Kumar, Resident Of Village- Bidupur, Ps- Bidupur,
Dist- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Md. Shakir Ahmad, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 28-08-2024 Heard Mr. Mukesh Kumar, learned Advocate

appearing on behalf of the petitioner and the learned Additional

Public Prosecutor for the State.

2. The application for grant of bail to the petitioner who is in custody in connection with Vaishali (Belsar O.P.) P.S. Case No. 199 of 2024 registered for the offences punishable under Sections 414, 467, 468, 471 and 34 of the Indian Penal Code.

3. Based upon the written report the prosecution alleges that the police in course of patrolling duty, on suspicion, intercepted a Scorpio vehicle and apprehended the petitioner. On demand the petitioner failed to produce any paper with respect to the vehicle in question, leading to the institution of the present case.



4. Learned Advocate appearing on behalf of the petitioner contended that the petitioner has neither any concern with the vehicle in question nor he has ever been found involved in such type of activities prior to the institution of the FIR. It is the contention of the petitioner that prior to the institution of this petition, the father of the petitioner was apprehended in connection with a theft of a stolen vehicle and the police in order to get certain information with regard to the stolen vehicle, has instituted this case against the petitioner, showing recovery from his possession. Learned Advocate for the petitioner further drew the attention of this Court to the seizure list and referring thereto, he submitted that had the recovery been made from the possession of the petitioner, the copy of the seizure list would have been certainly served upon the petitioner but the same has not been done. The witnesses are also police personnels which smacks malafide on the part of the police personnels. The petitioner bears fair antecedent and now he is in custody since 06.06.2024.

5. On the other hand, learned Additional Public Prosecutor for the State vehemently opposed the bail application and submits that the petitioner was apprehended with a stolen vehicle.



6. Regard being had to the submissions made on behalf of the parties and considering the fact that the present case has not been preceded by any FIR or the complaint with regard to the theft of the vehicle in question, moreover, the offences in question are triable by the Magistrate, the investigation of the crime is complete and the chargesheet has been submitted, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate in connection with Vaishali (Belsar O.P.) P.S. Case No. 199 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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