

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64878 of 2024

Arising Out of PS. Case No.-255 Year-2023 Thana- KHAIRA District- Saran

Saheb Kumar @ Saheb Rai Son of Surendr Ray R/O Vill.- Affour Rama
Chaura, P.S- Khaira, District- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajiv Ranjan Kumar Pandey, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 01-10-2024 Heard Mr.Rajiv Ranjan Kumar Pandey, learned
counsel for the petitioner and Mr.Md. Shakir Ahmad, learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Khaira P.S.Case No.255 of 2023, FIR dated
17.07.2023 registered for the offences punishable under Section
414 of IPC.

3. The prosecution case, in short, is that on query, the
motorcyclists named himself as Mantu Kumar Chaurasiya and
told that the motorcycle is stolen and he alongwith Saheb Rai
(the petitioner) has committed the theft of the said motorcycle.
‘Further the said stolen motorcycle alongwith mobile phone was
seized fro the possession of the accused Mantu Kumar
Chaurasiya.



4. Learned counsel for the petitioner submits that the petitioner has clean antecedent. He has falsely been implicated in the present case on the disclosure made by co-accused person, namely, Mantu Kumar Chaurasiya and except the aforesaid, no other material has come during investigation against the petitioner to suggest the involvement of the petitioner in the present occurrence.

5. Learned A.P.P. for the State has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts, petitioner has clean antecedent, and the name of the petitioner has been transpired during investigation on the basis of the disclosure made by co-accused person, namely, Mantu Kumar Chaurasiya, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.10,000 (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Saran at Chapra in connection with Khaira P.S. Case No.255 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-



(I) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(II) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(III) And, further condition that 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/her criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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