

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64317 of 2024

Arising Out of PS. Case No.-217 Year-2024 Thana- MOTIPUR District- Muzaffarpur

Raju Kumar Ray @ Raju Kumar Rai Son of Krishna Rai Resident of village -
Harpur Juneda, P.S.- Motipur, District - Muzaffarpur, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prabhat Kumar Singh, Adv.

For the Opposite Party/s : Mr.Abhay Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

4 05-12-2024 Heard learned counsel for the petitioner and learned
APP for the State. Perused the case diary.

2. The petitioner seeks bail in connection with Motipur
P.S. Case No. 217 of 2024 instituted for the offences under
Sections 379 and 414 of the Indian Penal Code.

3. As per prosecution case, the accusation against the
petitioner is of being involved in the theft of Truck of the
Informant bearing Regd. No. BR06 GD-2529.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence as alleged
against him and has falsely been implicated in the present case.
The petitioner is not named in the F.I.R. and was arrested by the
police in course of investigation. He further submits that nothing



incriminating has been recovered from the conscious possession of the petitioner. There is no direct or specific allegation of any overt act against the petitioner rather the same is general and omnibus in nature. The petitioner has no concern with the alleged occurrence. The alleged truck was recovered from Purnea district in front of the Coca Cola factory. Earlier, the petitioner was the driver of the alleged truck and, due to some dispute, the Informant has falsely implicated the petitioner in this case. The petitioner has three criminal antecedent and is languishing in judicial custody since 22.06.2024 without any rhymes or reason. Charge-sheet has been submitted in this case against the petitioner under Sections 379/414 of the I.P.C.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner, stating that though the petitioner is not named in the F.I.R. but, the police, on the basis of receipt of secret information, arrested the petitioner and, on his disclosures, the police recovered the alleged stolen truck. The petitioner has also three criminal antecedents and, hence, he does not deserve bail.

6. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioner,



let the petitioner, abovenamed, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Motipur P.S. Case No. 217 of 2024, subject to the following conditions;

(i) One of the bailor(s) shall be the own/close family members of the petitioner.

(ii) The petitioner shall cooperate 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 in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(Rudra Prakash Mishra, J)

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