

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.70110 of 2024**

Arising Out of PS. Case No.-78 Year-2023 Thana- BARGAINIA District- Sitamarhi

Rupesh Kumar Patel @ Rupesh Patel Son of Shyam Patel @ Shyam Babu  
Patel R/o -Raghunathpur Nanhkar, P.S - Mejorganj, District - Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

**Appearance :**

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

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

**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY**  
**ORAL ORDER**

2      08-10-2024      Learned counsel for the petitioner is permitted to make necessary correction in Para 14 of the bail petition filed on behalf of the petitioner, during the course of the day.

2. Heard learned counsel for the petitioner and learned A.P.P. for the State.

3. The petitioner seeks bail in connection with Baigania P.S. Case No. 78 of 2023 registered for the offences punishable under Section 379 of the Indian Penal Code.

4. As per prosecution case, informant's motorcycle is said to have stolen and he has suspicion that the co-accused Dharmendra Kumar Patel has stolen the said motorcycle. Thereafter, when query was made to co-accused Dharmendra Kumar Patel, then, he disclosed the name of petitioner and other who is said to have stolen the informant's motorcycle.



5. Learned counsel for the petitioner submits that except disclosure of co-accused Dharmendra Kumar Patel, there is nothing on record to demonstrate the complicity of the present petitioner with the alleged occurrence. Petitioner is quite innocent and has committed no offence as alleged against him in F.I.R. No incriminating article has been recovered from the conscious possession of the petitioner. Petitioner is in custody since 27.04.2024, as mentioned in impugned order itself. Petitioner bears criminal antecedent of eight cases. He further submits that petitioner has been roped in one case after another in a routine manner. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence.

6. The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

7. Considering the facts and circumstances of the case, period of custody, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand)



with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sitamarhi in connection with Bairgania P.S. Case No. 78 of 2023, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

**(Alok Kumar Pandey, J)**

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