

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70270 of 2024

Arising Out of PS. Case No.-398 Year-2024 Thana- HARSIDHI District- East Champaran

Rakesh Kumar, Son of Dayanand Sahani, Resident of village- Singha Malahi
Tola, PS- Harsidhi, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shanti Bhushan Singh, Advocate

For the Opposite Party/s : Mr. Shantanu Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 03-10-2024 Heard 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 Harsidhi P.S. Case No. 398 of 2024 registered for the offence punishable under Sections 317(5) and 3(5) of the Bharatiya Nyaya Sanhita, 2023.

3. The police in course of vehicle checking apprehended the petitioner and two other persons who were coming on a Bullet motorcycle. On demand the apprehended persons failed to produce any paper with regard to the ownership of the Bullet motorcycle.

4. Learned Advocate appearing on behalf of the petitioner contended that the petitioner has no concern with the



Bullet motorcycle however, on the alleged date of occurrence as he was accompanying with one of his friend, in the meantime, the police intercepted them and without there being any cogent material, implicated the name of the petitioner in the present crime. It is further contended that subsequent to the institution of the FIR, the petitioner came to know that with regard to the theft of Bullet motorcycle in question Gopalpur P.S. Case No. 285 of 2024 was also registered and the name of the petitioner has also been remanded in the said case. Apart from the afore-noted case the petitioner has other two criminal antecedent and the particulars of all the cases have been mentioned in paragraph no. 3 of the bail application. There is no material collected during the course of investigation that it is the petitioner who was instrumental in the theft of the Bullet motorcycle in question. Moreover, the petitioner is in custody since 22.07.2024 and now the investigation of the crime is complete.

5. On the other hand, learned Additional Public Prosecutor for the State vehemently opposes the bail application and submits that the petitioner and other co-accused persons were apprehended with the stolen motorcycle.

6. Regard being had to the submissions made on



behalf of the parties and considering the fact that the crime in question is triable by the Magistrate and now 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. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, East Champaran, Motihari in connection with Harsidhi P.S. Case No. 398 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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