

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69608 of 2024

Arising Out of PS. Case No.-130 Year-2024 Thana- RUPASPUR District- Patna

Rishu Kumar S/o Manoj Thakur @ Manoj Kumar Resident of village- Birra,
Chenari, PS- Makhdumpur, Distt. - Jehanabad (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sudhir Kumar, Adv.

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

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

ORAL ORDER

3 04-12-2024 Heard learned counsel for the petitioner and learned
APP for the State. Perused the case diary.

2. The petitioner seeks bail in connection with
Rupaspur P.S. Case No. 130 of 2024 instituted for the offences
under Section 379 of the Indian Penal Code.

3. As per prosecution case, the accusation against the
petitioner is of being involved in the theft of the motorcycle of
the Informant bearing Regd. No. BR-01EQ-5809. It is alleged
that the cctv footage has revealed that three miscreants, covering
their faces with *Gamcha*, have stolen the motorcycle of the
Informant.

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 his name has surfaced in this case on the basis of the confessional statement of the co-accused Pankaj Kumar. The petitioner has been remanded in this case from Kotwali P.S. Case No. 142 of 2024 on the basis of the confession before the police that the petitioner and co-accused Pankaj Kumar has committed theft of the alleged motorcycle. The petitioner has no concern with the alleged occurrence. The petitioner has five criminal antecedents and is languishing in judicial custody since 06.07.2024 without any rhymes or reason.

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 there is recovery of the theft motorcycle from the possession of the petitioner and other co-accused person. He further submits that from the case diary, it appears that the Informant's motorcycle was seized in Kotwali P.S. Case No. 142 of 2024 and, on query, the petitioner and the co-accused Pankaj Kumar told the police that they had stolen the said motorcycle. The allegation made against the petitioner is serious in nature 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 Rupaspur P.S. Case No. 130 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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