

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73728 of 2024

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

Ratneshwar Sahani Son of Late Adalat Sahani Resident of village - Kubara
Tali Tola, P.S.- Harsidhi, District - East Champaran.

The State of Bihar

Versus

... .. Petitioner/s

... .. Opposite Party/s

Appearance :
For the Petitioner/s : Mr. Abhishek Kumar, Adv.
For the Opposite Party/s : Mr. Kanhiya Kishor, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 21-10-2024 Heard the parties.

2. The petitioner is in custody in connection with Harsidhi P.S. Case No. 398 of 2024 for the offence punishable under sections 317(5), 3(5) of the Bharatiya Nyaya Sanhita lodged on 21.07.2024 by the informant, Manish Raj.

3. As per the prosecution story, the informant alleged that in course of patrolling, they found accused persons trying to escape leaving the motorcycle. They were apprehended and upon query, the motorcycle was found to be the stolen one. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that he had no concern with the motorcycle, a perusal of the FIR would show that motorcycle was there in abandoned position status but he being a passerby, was implicated. Further, similar situate



accused Mukhiya Yadav has been granted bail by Co-ordinate Bench in Cr. Misc. No. 70761 of 2024. Let the same be kept on record.

5. Learned APP opposes the prayer for bail submitting that he has criminal antecedent.

6. Though the petitioner has criminal antecedent, the motorcycle was found in abandoned position, similar situation person has been granted bail, as stated above, he is in custody since 22.07.2024 (para 1 of the petition) and it has been further undertaken by the learned counsel for the petitioner that he shall be diligently appearing in trial, this Court is inclined to extend him the privilege of bail with conditions.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of 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 following conditions:

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date



before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for one year to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

Vijay Singh/-

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