

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78085 of 2024

Arising Out of PS. Case No.-3 Year-2024 Thana- SHIKARGANJ District- East Champaran

Rajan Kumar Son of Ashok Paswan Resident of Village - Shikarganj, P.S. -
Shikarganj, District - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 12-11-2024 Heard Mr. Madhurendra Kumar, learned counsel for
the petitioner and Mr. Navin Kumar Pandey, learned APP for the
State.

2. The petitioner is in judicial custody in connection
with Shikarganj P.S. Case No. 03 of 2024 for the offence
punishable under Sections 112, 317(4), 317(5), 3(5) of the
Bharatiya Nyaya Sanhita, 2023 lodged on 11.07.2024 by the
informant, Sunil Kumar Singh.

3. As per the prosecution story, the informant alleged
that in course of patrolling, came to know about the sell of a
stolen motorcycle. After getting that information, reached the
house of Ram Milan Kumar and found two motorcycles and
some persons present there who managed to escape. The local
'Chowkidar' gave the name of the accused persons including



this petitioner. This led to the FIR.

4. Learned counsel for the petitioner submits that a bare perusal of the FIR would show that the police got information about the presence of the stolen motorcycle in the house of Ram Milan Kumar, he had no role to play in the matter and only because of local enmity, the 'Chowkidar' named him. He do not have criminal antecedent and is in custody since 12.07.2024 (para-11 of the petition).

5. Learned APP vehemently opposes the prayer submitting that the 'Chowkidar' has named him.

6. Considering the aforesaid submissions put forward by the parties as also that the recovery/seizure is from the house of Ram Milan Kumar, the name of the petitioner has come in the statement of the 'Chowkidar', nothing incriminating has been from his personal possession and is in custody since 12.07.2024 having no criminal antecedent, 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) with two sureties of like amount each to the satisfaction of learned S.D.J.M., Sikrahana at Dhaka, East Champaran, Motihari, in connection with Shikarganj P.S. Case No. 03 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 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 next six months 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)

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