

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78468 of 2024

Arising Out of PS. Case No.-233 Year-2024 Thana- KOTWA District- East Champaran

Suman Kumar S/O Okil Rai @ Wakil Yadav R/O Vill.- Maharani Bairiya,
P.S.- Kotwa ,Dist. East champaran,

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Anuj Kumar Shrivastava, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 13-11-2024

Heard the parties.

2. The petitioner is in judicial custody in connection with Kotwa P.S. Case No. 233 of 2024 for the offence punishable under Sections 317(2), 318(4), 341(1), 338, 336, 336(2) of Bharatiya Nyaya Sanhita lodged on 25.08.2024 by the informant, Rajroop Rai.

3. As per the prosecution story, the informant during vehicle checking, intercepted a motorcycle, as no paper was produced, it was found that the same is stolen one. Afroj Alam and Sandeep Kumar were arrested. Further, upon their confession, the house of the petitioner was raided which led to recovery/seizure of three motorcycles. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that he had no role to play. Afroj Alam and Sandeep Kumar had kept



the motorcycles little realizing that the same are stolen one. He do not have criminal antecedent and has already suffered by being in custody since 26.08.2024 (para-14 of the petition).

5. Learned APP opposes the prayer submitting that there is recovery/seizure of three motorcycles from his home.

6. Though allegation is/are there, the petitioner has no criminal antecedent, according to him, Afroj Alam and Sandeep Kumar had kept the motorcycles, is in custody since 26.08.2024, as submitted by the learned counsel for the petitioner, he will be diligently appearing in trial, in that background, 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 A.C.J.M.-X, East Champaran at Motihari, in connection with Kotwa P.S. Case No. 233 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 month for two years 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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