

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80854 of 2024

Arising Out of PS. Case No.-163 Year-2024 Thana- Kawaiya District- Lakhisarai

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Rishi Ranjan Kumar Son of Vimal Yadav R/O Village- Sahnagar, P.S.-
Ramgarh Chowk, Dist.- Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Kamal Kumar Sinha, Advocate

For the Opposite Party/s : Mrs.Nirmala Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 25-11-2024 Heard the parties.

2. The petitioner is in judicial custody in connection with Kawaiya P.S. Case No. 163 of 2024 for the offence punishable under Sections 303(2) of Bhartiya Nyaya Sanhita, 2023 and later 317(2) Bhartiya Nayay Sanhita was added lodged on 08.08.2024 by the informant, Birendra Kumar Sao.

3. As per the prosecution story, the informant alleged that his son had purchased the motorcycle and the same was parked in front of his house but in the morning, it went missing. This led to the FIR.

4. Subsequently, investigation took place and stopped at the door of the petitioner inasmuch as recovery/seizure is from his own house.

5. Learned counsel for the petitioner submits that he



had purchased the motorcycle from Nitish Kumar for which payment was also made little realizing that it is stolen one. He has already suffered by being in custody since 16.08.2024 (para-15 of the petition) having no criminal antecedent.

6. Learned APP opposes the prayer submitting that the recovery/seizure is from his house.

7. Taking into account aforesaid submission put forward by the parties as also the narration that he purchased it bonafidely, he is a young boy having no criminal antecedent, is in custody since 16.08.2024, this Court is inclined to extend him the privilege of bail with conditions.

8. 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 Chief Judicial Magistrate, Lakhisarai, in connection with Kawaiya P.S. Case No. 163 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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