

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80874 of 2024

Arising Out of PS. Case No.-70 Year-2024 Thana- SHYAMPUR BHATHAN District-
Sheohar

Shivam Kumar Son of Sri Rakesh Pandit @ Rikesh Pandit Resident of Village
- Lalgargh Chauni, P.S. - Shyampur Bhatahan, District - Sheohar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Prasad Singh, Advocate
For the Opposite Party/s : Mr.Rajendra Prasad Nat, APP

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 Shyampur Bhatha P.S. Case No. 70 of 2024 for the offence punishable under Sections 303(2), 317(2), 317(4), 317(5) of BNS lodged on 08.07.2024 by the informant, Bharat Kumar Singh.

3. As per the prosecution story, the informant alleged that on the basis of information, the petitioner's house was raided and there is recovery/seizure of motorcycle's parts of theft motorcycle which led to the arrest, the FIR.

4. It is the case of the petitioner that there is nothing on record to show that parts which have been recovered/seized is the stolen one. He runs the service center and naturally the



parts will be there, only due to inimical term, the Police implicated for which he has suffered by being in custody since 09.07.2024 (para-4 of the petition) having no criminal antecedent.

5. Learned APP opposes the prayer submitting that theft parts of the motorcycles have been recovered from his possession.

6. Having gone through the facts of the case as also the submissions of the parties, the stand of the petitioner is that he runs the servicing center and the parts of the motorcycles which were being serviced was/were there, he has no criminal antecedent and is only 18 years of age, has remained in custody since 09.07.2024, 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., Sheohar, in connection with Shyampur Bhatha P.S. Case No. 70 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 next 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)

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