

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.80957 of 2024**

Arising Out of PS. Case No.-89 Year-2024 Thana- RAGHUNATHPUR District- Siwan

Pawan Kumar Dubey @ Vimlesh Dwivedi Son of Dinesh Dubey Resident of  
Village- Jhanda Chappra, PS- Asaon, District- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Rajesh Kumar, Adv.

For the Opposite Party/s : Mr. Pronoti Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY**

ORAL ORDER

2      26-11-2024                      Heard Mr. Rajesh Kumar, learned counsel for the  
petitioner and Mr. Pronoti Singh representing the State.

2. The petitioner is in judicial custody in connection with Raghunathpur P.S. Case No. 89 of 2024 for the offences punishable under Sections 413 and 414 of the Indian Penal Code, lodged on 10.04.2024 by the informant, Birju Kumar.

3. As per the prosecution story, the informant alleged that during patrolling, it intercepted a motorcycle. Though they tried to escape, motorcycle fell down, three accused persons namely Aakash Singh, Kartus Mallah and Bhutoo Yadav managed to escape while the petitioner was apprehended. It was a stolen motorcycle and on his confession, other motorcycles were also recovered/seized. This led to the FIR.

4. Learned counsel for the petitioner submits that he



had no role to play in either the seizure of stolen motorcycle and/or the subsequent raid. He was only passing by, the other accused persons escaped, he was apprehended and is in custody since 11.04.2024 (para 4 of the petition). If granted bail, he shall ensure that no further implication comes failing which the State shall be free to take steps for cancellation of the bail bond. The further undertaking is that he shall be diligently appearing in trial.

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

6. Taking into account the submissions put forward by the parties as also that the matter has come through the Legal Services Committee, he is in custody since 11.04.2024 and an undertaking has been given that he shall not indulge in any such criminal activity and will further diligently appear in trial, this Court is inclined to extend him the privilege of bail.

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 Judicial Magistrate, FC, Siwan in connection with Raghunathpur P.S. Case No. 89 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 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 one year to mark his attendance;

(iv) the petitioner shall in now 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 bail bonds.

**(Rajiv Roy, J)**

Vijay Singh/-

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