

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1997 of 2024

Arising Out of PS. Case No.-311 Year-2023 Thana- BALIYA District- Begusarai

Pinku Kumar, Son of Late Rajendra Singh Resident of Village- Savalchak,
Ward no. - 9, P.S. - Tankuppa, District- Gaya

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Tabish Sharfuddin, Adv.

For the Opposite Party/s : Mr. Bishweshwar Ram, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 24-01-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Balua P.S. Case No. 311 of 2023, lodged on 05.11.2023 under
Sections 414/34 of the Indian Penal Code.

3. As per the prosecution case, the FIR has been
lodged against two named accused persons including the present
petitioner. The allegation is that they were apprehended by the
police and it has been found that they were riding on a
motorcycle which was subject to theft.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. Counsel
also submits that the petitioner was just sitting on the
motorcycle as he has taken lift from the motorcycle rider.



Counsel further submits that the antecedent of the petitioner is clean and he is in custody since 06.11.2023.

5. Learned APP for the State opposes the prayer for bail of the petitioner and submits that different equipment's have been recovered which creates doubt and due to this reason, the petitioner and other co-accused were apprehended by the police.

6. Upon specific query of the Court from the counsel for petitioner that whether charge has been framed in this case or not, counsel submits that as per his knowledge, charge has not been framed in this case.

7. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail, **but only after framing of charge** on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Begusarai in connection with Balia P.S. Case No. 311 of 2023, subject to the conditions as laid down U/s 437(3) Cr.P.C. as well as the following conditions:

(i) one of the bailor should be the family member 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 bonds by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and

(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 the bail bonds.

(Dr. Anshuman, J.)

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