

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49827 of 2025**

Arising Out of PS. Case No.-316 Year-2024 Thana- SIWAN CITY District- Siwan

VICKY GUPTA Son of Diwesh Gupta Resident of Village - At Tekniwas,
P.S.- Rivilganj, District - Chhapra, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Pratima Kumari, Adv.
Mr. Roushan Kumar, Adv.
For the Opposite Party/s : Mr. Murli Dhar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 11-08-2025 It is unfortunate that despite the matter being assigned by the Patna High Court Legal Services Committee (henceforth for short ‘the Committee’), on call, neither Mr. Arvind Kumar nor Ms. Pratima Kumari are present in the Court and Mr. Akshay Lal Pandit prays for pass over.

2. Heard Mrs. Pratima Kumari and Mr. Roushan Kumar for the petitioner and the State. This Court wanted assistance of Mr. Roushan Kumar also in the case.

3. The case has been filed after issuance of letter no. 686 dated 03.03.2025 by the Patna High Court Legal Services Committee in Connection with Siwan Nagar P.S. Case No. 316 of 2024 under Section 379 of the IPC lodged on 20.06.2024 by the informant, Vishal Kumar.



4. As per the prosecution story, the informant alleged that on 20.06.2024, the informant's brother went to Siwan Infotech Computer Institute to take class and when he returned, the motorcycle was missing. This led to the FIR.

5. Subsequently, during the investigation, it was found that the stolen motorcycle was recovered in connection with Daudpur P.S. Case No. 146 of 2024 from this petitioner.

6. Learned counsel for the petitioner submits that only because he has criminal antecedent, he has been implicated which reflects from the paragraph no. 3. Further, he has already suffered by being in custody since 07.08.2024 and if granted bail, shall be diligently appearing in trial and in case, he is again named in any FIR, the Court can take steps for cancellation of his bail bond.

7. Learned APP opposes the prayer for bail submitting that he has criminal antecedent.

8. It is a fact that he has criminal antecedent of the same nature, however, this Court cannot ignore that he has remained in custody for one year, an undertaking has been given that he shall 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) each with two sureties of like amount each to the satisfaction of learned CJM, Siwan in connection with Siwan Town P.S. Case No. 316 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/her 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 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.



9. This Court would like to put on record its word of appreciation for Mr. Roushan Kumar who assisted it.

10. Let a copy of the order be sent to the Registrar-cum-Secretary, Patna High Court Legal Services Committee for perusal and needful.

(Rajiv Roy, J)

Vijay Singh/-

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