

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44267 of 2025**

Arising Out of PS. Case No.-91 Year-2024 Thana- GHORASAHAN District- East
Champaran

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Rupesh Kumar @ Rupesh Yadav S/O Harendra Rai R/O Village- Baswariya,
PS- Ghorasahan, district- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar No.III, Advocate

For the Opposite Party/s : Mr. Choubey Jawahar, APP

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**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 17-07-2025 Heard learned counsel for the petitioner and

learned APP for the State.

2. The petitioner seeks bail in connection with
Ghorasahan P.S. Case No. 91 of 2024, instituted for the offences
punishable under Sections 413, 414 and 34 of the Indian Penal
Code.

3. The prosecution case, in short, is that, one stolen
motorcycle has been recovered from the possession of co-
accused, Rakesh Kumar for which he failed to produce any
valid documents.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case. No incriminating material has been recovered from
the conscious possession of the petitioner. Learned counsel for



the petitioner also submits that the petitioner was not arrested on spot. Name of the petitioner has transpired in this case on the basis of confessional statement made by co-accused, namely, Rakesh Kumar and the same has got no evidentiary value. It is further submitted that no recovery has been made from the possession of the petitioner rather the same has been recovered from the possession of co-accused, Rakesh Kumar. The petitioner is in custody since 28.10.2024 and has got six criminal antecedents in which he is on bail in five cases.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case and taking into account the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Ghorasahan P.S. Case No. 91 of 2024, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.



(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

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