

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74961 of 2024

Arising Out of PS. Case No.-240 Year-2024 Thana- IMAMGANJ District- Gaya

Abhinav Kumar @ Sonu S/o Siyavar Prasad R/o Village- Jharha, PS-
Imamganj, Dist- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. S. Jamil Akhter, Adv.

For the Opposite Party/s : Mr. Navin Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 06-02-2025 Heard Mr. Arvind Kumar Singh, learned counsel for
the petitioner and the State.

2. The petitioner is in custody in connection with Imamganj P.S. Case No. 240 of 2024 for the offence punishable under sections 317(5), 338, 336(3), 340(2) and 3(5) of the Bhartiya Nyaya Sanhita lodged on 09.08.2024 by the informant, Suryanarayan Prasad.

3. As per the prosecution story, the police intercepted a motorcycle but the accused persons failed to provide any document and later they revealed that Surendra Kumar has purchased the same from the petitioner, who in turn disclosed that his brother is a mechanic and had given it to him. From the details of the Engine no./Chasis no., it came to notice that it belongs to Md. Istyak, which was stolen from his home.



Accordingly, the FIR.

4. Learned counsel for the petitioner submits that he in bona fide belief that the motorcycle is of his brother, used it little realizing that it was a stolen one. He is in custody since 10.08.2024 (para 9 of the petition) having no criminal antecedent. Further, co-accused, Surendra Kumar has been granted bail in Cr. Misc. 78424 of 2024.

5. Learned APP opposes the prayer for bail submitting that when the police intercepted, the police was riding the stolen motorcycle of Md. Istyak.

6. Having gone through the facts of the case as also the submission of the parties, FIR lodged, he will be facing the trial, is in custody since 10.08.2024 having no criminal antecedent, 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 J.M.1st Class, Sherghati, Gaya in connection with Imamganj P.S. Case No. 240 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.

(Rajiv Roy, J)

Vijay Singh/-

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