

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31100 of 2015

Arising Out of PS.Case No. -365 Year- 2015 Thana -TURKAULIYA District-
EASTCHAMPARAN(MOTIHARI)

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1. Rajesh Kumar S/o Motilal Sah vill. - Fatuhan, P.S. Kotwa, Distt. - East
Champaran Petitioner

Versus

1. The State of Bihar Opposite Party

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Appearance :

For the Petitioner/s : Mr. Sangeet Deokuliari

For the Opposite Party/s : Mr. Pramod Kumar Pandey(App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 02-11-2015 Heard learned counsel for the petitioner and learned
counsel representing the State.

Petitioner seeks bail in connection with Turkaulia P.S.
Case No. 365 of 2015 registered for the offences punishable under
Sections 413, 414 and 120B of the Indian Penal Code.

Allegedly, during raid and search co-accused Ajijul Ansari
was caught and one motorcycle was recovered from his house and he
stated the name of his associates including the petitioner and thereafter,
the petitioner was arrested and one motorcycle was also found near the
shop of the petitioner.

Submission is of false implication and that that the
petitioner has got no concern with the said motorcycle, he has been
implicated at the instance of co-accused, there is no recovery from his
conscious possession, he is handicapped person and he is earning his
livelihood by selling ‘BHUJA’ at Harsiddhi Chauk. The petitioner
neither can drive the motorcycle nor he has got any concern with the

said motorcycle, the petitioner is suffering in custody since 12.05.2015 and, as such, he deserves sympathetic consideration to which the learned APP opposes by submitting that co-accused Ajijul has stated that he has sold the motorcycle through the petitioner.

In the facts and circumstances stated above, considering that chargesheet has already been submitted against the petitioner and the motorcycle has not been recovered from his conscious possession, the petitioner above named is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, East Champaran at Motihari in connection with Turkaulia P.S. Case No. 365 of 2015, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J)

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