

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.36984 of 2015

Arising Out of PS.Case No. -10 Year- 2015 Thana -KARJA District- MUZAFFARPUR

1. Dharmendra Kumar son of Raj Nandan Rai resident of Village-
Dumariya, P.s Minapur, district Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bela Singh

For the Opposite Party/s : Mr. Anusaiya Jaiswal(App)

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 31-08-2015 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner is languishing in jail since 16.02.2015 in a
case registered for offences punishable under Sections 379/414 of
the Indian Penal Code.

The prosecution case is that Awani Bhushan, S.H.O.,
Karja P.S. recorded his self statement on 15.02.2015 at 19.25P.M.
that upon getting secret information in the evening of 15.02.2015
that some criminals are going to sell out stolen motorcycle near
Kodariya bridge between Marwan to Turkey road. He informed
his senior police officers, constituted a police team and reached
there and saw that three persons started their motorcyles and set
out towards Turkey but on suspicion, all the three were nabbed by



the police team in co-operation with the villagers. In presence of two independent witnesses namely, Mahesh Sahni and Pappu Kumar, they were searched. From the possession of Govind Kumar, a mobile phone, a master key and super splendor motorcycle was recovered. From the possession of Rakesh Kumar, a motorcycle of Honda Shine No. BRO-06-6432 was recovered. From the possession of Dharmendra Kumar (petitioner), a mobile phone and motorcycle bearing registration number BRO6AP3714 Glamour was recovered. The seizure list was prepared. The aforesaid apprehended Govind Kumar accepted his guilt before the police and stated that he used to commit theft of motorcycle and sell out for Rupees two to three thousand. He along with second accused Rakesh Kumar has stolen many motorbikes. Once they were sent in jail where he met with Dharmendra Kumar, who told him that he is a stolen motorcycle seller. Four days ago, they committed theft of Honda shine motorcycle and Dharmendra kumar had invited him for selling out that stolen motorcycle. For that purpose they assembled but they were caught.

It has been submitted by the learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in the aforesaid case only on the basis of suspicion. It has further been stated that the said motorcycle is in the name of

his father, which was released in favour of his father.

In view of the facts and circumstances, let the petitioner, namely, Dharmendra Kumar, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st class, Muzaffarpur in connection with Karja P.S.Case No. 10 of 2015.

It may be noted that the petitioner is also implicated in another case i.e. Minapur P. S. Case No. 476/2014, under Section 379 of the Indian Penal Code. If it is found that in future the petitioner is involved in occurrence of similar nature, learned Court below will be at liberty to cancel the bail bond of the petitioner.

(Nilu Agrawal, J)

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