

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48196 of 2014

Arising Out of PS.Case No. -112 Year- 2014 Thana -PATEPUR District- VAISHALI(HAJIPUR)

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1. Heeralal Paswan S/o Ram Chandra Paswan resident of village- Ashama,
P.S.- Patepur, Dist.- Vaishali.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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with

Criminal Miscellaneous No.49698 of 2014

Arising Out of PS.Case No. -112 Year- 2014 Thana -PATEPUR District- VAISHALI(HAJIPUR)

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1. Mithlesh Sahni S/o Amir Sahani resident of village - Sakrouli, P.S.
Patepur , District- Vaishali

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

(In Cr.Misc. No.48196 of 2014)

For the Petitioner/s : Mr. Mahendra Thakur

For the Opposite Party/s : Mr. Uma Nath Mishra(App)

(In Cr.Misc. No.49698 of 2014)

For the Petitioner/s : Mr. Sunil Kumar Singh

For the Opposite Party/s : Mr. Shyam Kumar Singh (App)

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

2 03-03-2015 Heard counsel for the petitioners and Mr. S. Dayal,

A.P.P. for the State.

Both the applications arise out of Patepur P.S. Case
No.112 of 2014 registered under Sections 414/34 I.P.C.

The case concerns with obtaining stolen motorcycle



and sale thereof. On the self-statement of the Officer-in-Charge of Patepur police station, the case was lodged in which it has been alleged that on secret information, the house of petitioner of Cr. Misc. No.48196 of 2014 was raided where three motorcycles were found. The petitioner could not give out the papers thereof. He, however, disclosed that his brother-in-law, Dilip Paswan has brought these motorcycles and had sold some other motorcycles to some other accused persons. On such statement, the houses of other accused were also searched and motorcycles were recovered. So far as the petitioner in Cr. Misc. No.49698 of 2014 is concerned, the allegation is that one of the motorcycles was sold to Snehi Sahni by Dilip Paswan(brother-in-law) of Heeralal Paswan who in turn, sold the same to the petitioner, Mithlesh Sahni.

Contention of the petitioner is that there is no material till filing of the charge sheet that these motorcycles were stolen ones. In fact, Dilip Paswan was the person who brought these motorcycles and sold some of them to the willing buyers. Both the petitioners having been apprehended on the date of occurrence i.e. 13.08.2014 and the following date they were remanded to the police custody. They have no any criminal antecedent.

However, the learned A.P.P. has pointed out from the

impugned order that the petitioner constitute a gang of criminals engaged in sale and purchase of stolen motorcycles.

Considering the facts and circumstances of the case, both the petitioners above named are directed to be released on bail on furnishing bail bond of Rs.10,000/-(Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of the court of learned S.D.J.M., Hajipur(Vaishali) in connection with Patepur P.S. Case No. 112 of 2014, subject to the following conditions:

- (i) One of the bailors shall be own/close family member of the petitioner.
- (ii) In the event of framing of charge, the petitioner shall appear in person on all dates fixed thereat. In the event of default in doing so on two consecutive dates, the trial court shall cancel the bail of the petitioner and ensure his arrest in accordance with law.

(Kishore Kumar Mandal, J)

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