

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5249 of 2016

Arising Out of PS.Case No. -448 Year- 2015 Thana -PATLIPUTRA District- PATNA

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1. Ravindra Kumar Gupta @ Bittu son of Madan Kumar Gupta, Resident of
Village- Naya Bazar Hathua, P.S.- Hathua, District- Gopalganj.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ghulam Rabbani, adv.

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

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

3 30-03-2016 Heard learned counsel for the petitioner and learned
A.P.P. representing the State.

The petitioner seeks bail in connection with Patliputra
P.S. Case No. 448 of 2015 registered for the offences punishable
under Sections 379, 411, 413 and 120(B) of the Indian Penal
Code.

Allegedly, the petitioner and two co-accused were
caught when they were fleeing away with motorcycle and from
possession of the petitioner, instrument for opening the lock of
motorcycle, was recovered and further Chandrakant Pandey
claimed that the motorcycle recovered from possession of the
petitioner and others is his motorcycle.

Submission is of false implication due to high



handedness of the police, in earlier paragraph Chandrakant Pandey has appeared as a witness but later on, it is stated that one person came running and stated his name as Chandrakant Pandey disclosing that the recovered motorcycle is his own which appears not reliable and further during investigation Chandrakant Pandey has not been examined. The petitioner has got no criminal antecedent and, as such, he deserves sympathetic consideration to which the learned A.P.P. fairly submits that earlier Chandrakant Pandey has been named as seizure list witness but later on, he has been stated that he came running and disclosed that the recovered motorcycle is his.

In the facts and circumstances stated above, considering that chargesheet has already been submitted and there is no chance of tampering with the prosecution evidence and, as such, 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 Judicial Magistrate, 1st Class, Patna in connection with Patliputra P.S. Case No. 448 of 2015 subject to the conditions that one of the bailors must be 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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