WEB COPY NOT OFFICIAL

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5328 of 2016

Arising Out of PS.Case No. -286 Year- 2015 Thana -MOTIPUR District- MUZAFFARPUR

==========

1. Pappu Kumar Sharma son of Surendra Thakur @ Surendra Sharma
2. Bhola Kumar Thakur son of Jagdish Thakur Both residents of village - Khargaulia, P.O. Balukaram, P.S. - Vaishali, District - Vaishali.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

==========

Appearance :
For the Petitioner/s : Mr. Nalin Kumar, Advocate
For the Opposite Party/s : Mr. Indra Kr. Singh (App)

==========

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

3 31-03-2016 Heard learned counsel for the petitioners and learned A.P.P. representing the State.

Petitioners seek bail in connection with Motipur P.S. Case No. 286 of 2015, GR No. 2667 of 2015 registered for the offences punishable under Sections 413 and 414 of the Indian Penal Code.

Allegedly, the petitioners and other co-accused were apprehended with stolen motorcycle and from possession of petitioner no. 1, Pappu Kumar Sharma one blue colour Passion Pro motorcycle and one mobile having two SIM and from possession of petitioner no. 2, Bhola Thakur, black colour Glammour motorcycle were recovered.

Submission is of false implication and that in the seizure list, case number is mentioned, which makes the seizure doubtful, however, alleged search and seizure were not made in accordance with law. The petitioners have got no criminal antecedent and in the case diary also regarding their criminal antecedent nothing has come and, as such, they deserves sympathetic consideration as they are suffering in custody since 19.10.2015.

The learned A.P.P. opposes the prayer of bail by submitting that the petitioners were apprehended with stolen motorcycles and they have hot produced paper regarding the ownership of the said motorcycles.

In the facts and circumstances stated above, the petitioners, above named, shall be released on bail **after completion of six months in custody from the date of his remand** on execution of bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., West Champaran in connection with Motipur P.S. Case No. 286 of 2015, GR No. 2667 of 201, 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 petitioners shall remain

present on each and every date during trial and the default on two consecutive dates on their part without any reason shall disentitle the petitioners from privilege of bail.

(Jitendra Mohan Sharma, J)

sushma/-

U		T	