

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5763 of 2016

Arising Out of PS.Case No. -55 Year- 2013 Thana -ASARGANJ District- MUNGER

Vikash Kumar Mandal, son of late Narsingh Mandal, resident of village-
Madhuban, P.O.- Khesar, P.S. Belhar, Disrict- Banka.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Brij Nandad Prasad, Advocate
For the Opposite Party/s : Mr. Raj Kishore Singh(App)

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

3 01-04-2016 Supplementary affidavit has been filed on behalf of the
petitioner, let it be kept on record.

Heard learned counsel for the petitioner and learned
A.P.P. representing the State.

The petitioner seeks bail in connection with Asarganj
P.S. Case No. 55 of 2013 registered for the offence punishable
under Section 379 of the Indian Penal Code.

The petitioner is not named in the First Information
Report wherein, it is alleged that un-known thief committed theft
of the motorcycle of the informant and during investigation, the
petitioner was apprehended in Banka Town P.S. Case No. 397 of
2013 and from his possession one Hero Honda Glamour
motorcycle was recovered and in para 35 of the case diary, it has

come that engine number and chassis number of the motorcycle recovered from possession of the petitioner, tallies with stolen motorcycle of the case.

Submission is of false implication and that the petitioner has been made victim of the circumstances, in Banka Town P.S. Case No. 297 of 2013, the petitioner has been allowed bail and further the motorcycle has also been released and in this case the petitioner has been implicated falsely, resulting he is suffering in custody since 26.10.2015.

The learned A.P.P. opposes the prayer of bail by submitting that the petitioner has changed the registration number but the informant has identified the said motorcycle which is evident from para 95 of the case diary and accordingly, chargesheet has been submitted on behalf of the petitioner under Section 379 IPC.

In the facts and circumstances stated above, the petitioner, 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) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Munger in connection with Asarganj P.S. Case No. 55 of 2013 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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