

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28633 of 2016

Arising Out of PS.Case No. -40 Year- 2016 Thana -TATARPUR District- BHAGALPUR

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Alok Kumar @ Monu Mishra Son of Ranjay Kumar Chowdhary resident of
mohalla- Urdu Bazar P.S.- Tatarpur District- Bhagalpur

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Davendra Kumar Pandey

For the Opposite Party/s : Mr. Sri Ramchandra Singh

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

3 30-08-2016

Heard learned counsel for the petitioner and learned

counsel for the State.

The petitioner is languishing in custody since 26.04.2016
in connection with Tatarpur P.S. Case No. 40 of 2016 registered
for the offence under Section 379 of the Indian Penal Code.

The prosecution story, in brief, is that on 2.4.2016 one
Avinash Kumar submitted a written report to the O.C Tatarur
alleging therein that on 1.4.2016 he stand his brother's
motorcycle bearing Registration no. 13R10M-6211 Engine No.
HA10EDBH. J22119 Chasis No. MBLHA 10E WBH 522059 in
Dhobia Gali, nearby Laheri tola Cant Service Centre and entered
into service centre. When he came back, he found his motorcycle
missed. On search the said motorcycle was not traced out then he
presumed that said motorcycle has been theft by unknown
thieves.

On behalf of the petitioner, it is submitted that the

petitioner is in custody since 26.04.2016. Charge-sheet has been submitted in the present case. There is no allegation of tempering of witnesses alleged against the petitioner. Petitioner is not named in the FIR. He has not been put on Test Identification Parade to ascertain his implication in the present case. He has been made accused due to his self confession. There is no recovery of any theft property from his possession. It has further been submitted that the petitioner may release after completion of 9 months from the date of custody i.e. 26.04.2016.

On behalf of the State, it has been submitted that the petitioner is not named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner above named, **be released on bail after completion of 9 months from custody i.e. 26.04.2016** on furnishing bail bond of Rs. 10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate VII, Bhagalpur in connection with Tatarpur P.S. Case No. 40 of 2016.

(Sudhir Singh, J)

Prakash/-

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