

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47610 of 2016

Arising Out of PS.Case No. -108 Year- 2016 Thana -AURANGABAD TOWN District-
AURANGABAD

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Rohit Kumar @ Chhotu, S/o Sheodhyan Singh @ Sheodyal Singh, R/o Vill.
Gangati, Near Power Grid, P.S. Aurangabad (T), District Aurangabad.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Singh, Advocate

For the Opposite Party/s : Mr. Harendra Prasad, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 21-11-2016

Heard learned counsel for the petitioner and

learned APP for the State.

Petitioner is languishing in custody since
13.07.2016 in connection with Aurangabad (Town) P.S. Case No.
108/16 for offences punishable alleged under Sections 379, 411 of
the Indian Penal Code.

The prosecution case is that the informant had
gone for namaz at Jhanda Masjid on 01.04.2016 at about 12.45
P.M. and his grey colour Honda Shine motorcycle bearing
Registration No. BR 26E-4269 had been stolen away.

It has been submitted by the learned counsel for
the petitioner that his name was disclosed by another co-accused
and one stolen motorcycle has been recovered from the possession
of the petitioner. On the basis of the same allegation, the present
First Information Report had earlier been lodged. He submits that

the petitioner has no knowledge of the stolen property and in Aurangabad (Town) P.S. Case No. 110/16, in which the allegation of theft of the same motorcycle against the petitioner had been lodged, he has since been granted the privilege of bail by a Coordinate Bench of this Court in Cr. Misc. No. 26869 of 2016 on 29.08.2016. He further submits that although the present case had been lodged against unknown but on the basis of Aurangabad (Town) P.S. Case No. 110/16 petitioner's name surfaced.

However, learned APP for the State submits that although the petitioner is not named in the First Information Report, but his name surfaced during investigation, hence, opposes the prayer for bail.

Be that as it may, since the petitioner has already been granted the privilege of bail for the same offence in another case, let petitioner, above named, be enlarged on bail on furnishing bail bond of Rs. 10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Aurangabad, in connection with Aurangabad (Town) P.S. Case No. 108/16.

This direction of bail is further subject to the condition that the accused petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case to dissuade him from

disclosing such facts to the Court or to any police officer or tamper with the evidence and shall appear before the learned Court below as and when directed.

With these observations and directions, this application stands allowed.

(Nilu Agrawal, J.)

Rajesh/-

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