

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5449 of 2016

Arising Out of PS.Case No. -230 Year- 2015 Thana -RAJGIR District- NALANDA
(BIHARSHARIFF)

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1. Gulam Mustafa @ Pappu Khan @ Pappu Kumar Son of Gulam Rasool, Resident of Abadgilla Jagdishpur, P.S. - Mufassil, District - Gaya at present C/o Affani Khatoon, Ishapur Nahar, Par, P.S. - Phulwari Sharif, District - Patna.
 2. Rajesh Kumar, S/o Sri Rajdeo Prasad, R/o Village - Sadabad, P.S. - Kako, District - Jehanabad, At present - Mahavir Colony, beur P.S. - beur, District - Patna.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Diwakar Sinha, Advocate

For the Opposite Party/s : Mr. B.N. Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

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

The petitioners seek bail in connection with Rajgir P.S. Case No. 230 of 2015 registered for the offences punishable under Sections 379 and 411 of the Indian Penal Code.

The petitioners are not named in the First Information Report wherein it is alleged that Summo Victa bearing registration No. BR-27B-1711 was stolen away by unknown theft. During investigation, on the basis of information furnished by spy of the police, the shop of the petitioner No. 1

was raided from where the petitioners were caught and when CCTV Footage was shown the petitioner No. 1 confessed his guilt and further, on the basis of disclosure made by the petitioner, stolen vehicle was recovered which was parked by the side of the road in front of Ramkrishna Nagar.

Submission is of false implication and that the petitioners have been made victim of the circumstances and police atrocities, no incriminating article has been recovered from possession of the petitioners and the vehicle was recovered from the side of the road and the mobiles recovered from possession of the petitioner No. 1 is of the petitioner No. 1, and as such, the petitioners are suffering in custody since 05.11.2015, deserve sympathetic consideration, to which the learned APP opposes by submitting that on the basis of confessional statement and disclosure made by the petitioner No. 1, the stolen vehicle was recovered when CCTV footage was shown.

In the facts and circumstances stated above, considering that stolen vehicle was not recovered from conscious possession of the petitioners rather from the side of the road near Ramkrishna Nagar and as such considering the detention of the petitioners, now, they are directed to be released on bail on execution of bail bonds of Rs. 10,000/- (ten thousand) each with

two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Rajgir in connection with Rajgir P.S. Case No. 230 of 2015, subject to the conditions that one of the bailors must be a 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)

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