

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1082 of 2016

Arising Out of PS.Case No. -133 Year- 2015 Thana -BASANTPUR District- SIWAN

1. Nanhey Pratap Singh @ Nanhe Prasad Singh Son of Late Sheo Dayal Singh, Resident of village- Khedwan, P.s.- Basantpur, District- Siwan
..... Petitioner

Versus

1. The State of Bihar Opposite Party

with

Criminal Miscellaneous No.2816 of 2016

Arising Out of PS.Case No. -133 Year- 2015 Thana -BASANTPUR District- SIWAN

1. Arjun Prasad Son of Lallan Prasad resident of village - Magahi, P.O. Gopalpur, P.S. Basantpur, District - Siwan..... Petitioner

Versus

1. The State of Bihar Opposite Party

with

Criminal Miscellaneous No.51190 of 2015

Arising Out of PS.Case No. -133 Year- 2015 Thana -BASANTPUR District- SIWAN

1. Hari Kishore Prasad, S/o Late Anjor Prasad @ Anjori Prasad Sakeen- Pakri Narotam, P.S.- Panapur, District- Chapra at Saran..... .. Petitioner

Versus

1. The State of Bihar Opposite Party

Appearance :

(In Cr.Misc. No.1082 of 2016)

For the Petitioner/s : Mr. Ashok Kumar

For the Opposite Party/s : Mr. Umeshanand Pandit(App)

(In Cr.Misc. No.2816 of 2016)

For the Petitioner/s : Mr. Harshvardhan Shivsundaram

For the Opposite Party/s : Mr. Nawal Kishore Prasad(App)

(In Cr.Misc. No.51190 of 2015)

For the Petitioner/s : Mr. Anurag Saurav

For the Opposite Party/s : Mr. Anil Pd. Singh(App)

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

3 11-03-2016 Above noted applications have arisen out of one occurrence i.e. Basanpur P.S. Case No. 133 of 2015 registered for the offences punishable under Sections 413, 414, 467, 468, 420/34

of the Indian Penal Code and as such they have been heard together and are being disposed of by this common order.

Allegedly, petitioner Hari Kishore Prasad and co-accused Rahul Singh @ Kunal Singh were arrested by the Police and from possession of Hari Kishore Prasad one motorcycle, one bunch containing six keys and from possession of Rahul Singh two motorcycles were recovered and they disclosed the name of other co-accused and further from possession of petitioner Nanhey Pratap Singh from Dalan three motorcycles were recovered and from possession of petitioner Arjun Prasad one motorcycle was recovered.

Submission is of false implication and that there is no report regarding theft of motorcycle, co-accused Bitu Parwat has been allowed bail and as such the petitioners also deserve sympathetic consideration to which the learned APP opposes by submitting that the case of the petitioners are on different footing as in the case of Bittu Parwat the recovery was from open Palani.

In the facts and circumstances stated above, considering that there is nothing on the record that the seized motorcycles were stolen one and further co-accused Bitu Parwat has been allowed bail and further considering the period of detention, the petitioners above named of all the above noted cases

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, Siwan in connection with Basantpur P.S. Case No. 133 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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