

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36063 of 2017

Arising Out of PS.Case No. -88 Year- 2016 Thana -KESARIA District-
EASTCHAMPARAN(MOTIHARI)

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1. Budhan Sahni Son of Manki Sahni, Resident of Village-Sundrapur,
Police Station-Kesariya, District-East Champaran

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar

For the Opposite Party/s : Mr. Yogendra Kr. Singh(App)

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR
UPADHYAY
ORAL ORDER

2 10-08-2017 Heard learned counsels for the petitioner and the

State.

The petitioner is in custody in connection with

Kesariya P.S. Case No. 88 of 2016 for the offences under Section

414of the Indian Penal Code.

Counsel for the petitioner submits that the petitioner

has absolutely no connection with the alleged stolen motorcycle. It

was not recovered from his conscious possession. He submits that

for offence under Section 414 of the Indian Penal Code, theft is a

condition precedent, which is lacking in the instant case. The

petitioner disowns the ownership of the motorcycle in question

and the motorcycle was allegedly recovered in front of the



residence of one Sundardeo Mahto and not from the possession of the petitioner or from the residence of the petitioner.

In the peculiar facts and circumstances mentioned above, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the 11th Additional Chief Judicial Magistrate, Motihari, East Champaran or the successor Court in connection with Kesariya P.S. Case No. 88 of 2016, subject to the condition that the petitioner will extend full cooperation in conclusion of the trial and will not, in any manner, tamper with the evidence and influence the witnesses.

(Anil Kumar Upadhyay, J)

S.Pandey/-

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