

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.40178 of 2017**

Arising Out of PS.Case No. -342 Year- 2017 Thana -DEHRI TOWN District- SASARAM  
(ROHTAS)

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1. Mohit Kumar Singh @ Mohit Kumar Son of Krishna Singh Resident of  
village- Kanchanpur, P.S.- Sasaram (Mufasil), District- Rohtas

.... .... Petitioner/s

Versus

1. The State of Bihar

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Jitendra Kumar

For the Opposite Party/s : Mr. Bharat Lal

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**CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL**  
**ORAL ORDER**

3      17-10-2017                      Heard learned counsel for the petitioner and learned  
APP for the State.

Petitioner is languishing in judicial custody since  
13.06.2017 in connection with Dehri Nagar P.S. Case No. 342 of  
2017 for offences punishable under Sections 379, 411 of the  
Indian Penal Code.

The prosecution case, as lodged by the informant, is  
that while he had parked his motorcycle near the temple of Lord  
Hanuman and had gone to take his meal after half an hour he  
found his motorcycle missing.

It has been submitted by the learned counsel for the  
petitioner that he is innocent, bears no criminal history and not



named in the First Information Report. He submits that on tip off by the spy that two persons are standing near the grocery shop of one Uday Gupta, petitioner and co-accused Kundan Kumar were apprehended and on his confessional statement before the police he has been made accused. He further submits that nothing has been recovered from his conscious possession and co-accused Kundan Kumar has been granted privilege of bail by a coordinate Bench of this Court in Cr. Misc. No. 37153 of 2017 on 10.08.2017. It is submitted that petitioner has been made accused only on the basis of suspicion as he was not driving the stolen motorcycle, but happened to be standing near the grocery shop of Uday Gupta in the open market beside the stolen motorcycle.

However, learned APP for the State opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, 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 Sub-Divisional Judicial Magistrate, Dehri, Rohtas at Sasaram, in connection with Dehri Nagar P.S. Case No. 342 of 2017, subject to the conditions that:



- (1) Both bailors would be close relative of the petitioner having sufficient immovable property, who will file an affidavit stating their relationship with the petitioner.
- (2) If the petitioner indulges in an offence of similar nature in future, the prosecution will be at liberty to move the learned court below for cancellation of his bail bonds.

**(Nilu Agrawal, J)**

Rajesh/-

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