

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.54032 of 2016

Arising Out of PS.Case No. -272 Year- 2014 Thana -BAGHA District-
WESTCHAMPARAN(BETTIAH)

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1. Manish Kumar Singh Son of Ram Lakhan Singh, Resident of Village-
Babui Tola, P.S. Bagha, District West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prithvi Nath Mishra, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 20-02-2017 Heard learned counsel for the Petitioner and the State.

The Petitioner seeks bail in Trial No.1934 of 2016 arising out of Bagaha P.S. case No.272 of 2014 instituted for the offence under Section 379 of the Indian Penal Code, pending in the court of A.C.J.M., Bagaha, West Champaran.

The prosecution case, in brief, is that the informant kept his motorcycle bearing registration No. UP-57L-0337 at his door, which has been stolen by some unknown thieves.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 11.7.2016 and the charge sheet has been submitted in the present case. There is no allegation of tampering of witnesses alleged against the petitioner. The petitioner has been made accused due to mistake of fact. He is not



named in the F.I.R. The alleged recovery of stolen motorcycle has not been made from the conscious possession of the petitioner. There is no compliance of Section 100 Cr.P.C.

On behalf of the State, it is submitted that the stolen motorcycle has been recovered from the possession of the petitioner and the petitioner is an accused in other eleven cases of similar nature.

Considering the aforesaid facts and circumstances, in the social interest I am not inclined to grant bail to the petitioner at this stage. The same is rejected.

(Sudhir Singh, J)

Narendra/-

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