

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14592 of 2017

Arising Out of PS.Case No. -95 Year- 2016 Thana -DARAUNDHA District- SIWAN

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Raushan Kumar, Son of Late Ramesh Prasad, Resident of Village-
Maharajganj Purani Bazar, P.S.- Maharajganj, District- Siwan.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Chandra Mohan Jha, Advocate.

For the Opposite Party/s : Mr. Anil Prasad Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 04-05-2017

Heard learned counsel for the petitioner and the State.

The petitioner seeks bail in Daraunda P.S. Case No.
95 of 2016 instituted for the offence under Section 392 of the
Indian Penal Code.

It has been submitted on behalf of the petitioner that
Manjhi P.S. Case No. 167 of 2016 has been registered against the
petitioner under Section 47A of the Excise Act, for recovery of
liquor and police arrested him. In that case, police took his
signature on plain paper, and later on, made the same as the
confessional statement of this petitioner.

It has been submitted on behalf of the petitioner that in
the instant case there is no recovery of stolen article from his
possession.



From the impugned order also it appears that the alleged motorcycle which was said to be used for committing the offence, was seized from verandah of Pappu Sah, son of Sageer Hussain, and seizure list was prepared and a copy whereof was provided to the mother of Pappu Sah namely, Zaida Khatoon. The learned Sessions Judge has further mentioned in the impugned order that in paragraph-37 of the case diary, it is mentioned that Pappu Sah has purchased the motorcycle from Md. Amjad Ali, but the paper has not yet been prepared.

In such circumstances, there is no allegation of any specific overt act against the petitioner.

Considering the aforesaid facts and circumstances of the case, prayer for bail of the petitioner is allowed. 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 learned Additional Chief Judicial Magistrate-VIII, Siwan, in connection with Daraunda P.S. Case No. 95 of 2016, subject to the condition that both the bailors will be the close relatives of the petitioner.

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(Sanjay Priya, J)

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