

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15555 of 2017

Arising Out of PS.Case No. -7 Year- 2017 Thana -FULKAHA District- ARRARIA

=====

Manoj Kumar Yadav, Son of Badri Yadav. resident of Mirzapur Ward No. 1, P.S. Fulkaha, District- Araria.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

=====

Appearance:

For the Petitioner/s : Mr. Shailendra Kumar Singh, Advocate.

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

=====

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA

ORAL ORDER

3 02-05-2017 Heard both sides.

The petitioner apprehends his arrest in Fulkaha P. S. Case No. 07 of 2017 registered for the offences under Section 379 of the Indian Penal Code.

The informant alleged that he was engaged in *Shradh* ceremony on 18.12.2016, but his motorcycle bearing registration no. BR 38K 4788 was missing. The informant further alleged that Ram Deo Yadav, Chandeshwar Yadav, Sanjay Yadav and Ram Pravesh Yadav disclosed that the petitioner took away his motorcycle. The informant further alleged that *Panchayati* was held and the petitioner confessed the fact that he took away the motorcycle and also agreed to return the same.

Learned counsel for the petitioner submits that the



occurrence took place on 18.12.2016, but the F.I.R. was lodged on 21.01.2017. Nobody has seen taking away the motorcycle of the informant. Even during the course of investigation, the witnesses named in the F.I.R. has given different versions that they did not see taking away the motorcycle. The petitioner has got no criminal antecedent.

Taking into consideration that the motorcycle was stolen on 18.12.2016, but the F.I.R. was lodged on 21.01.2017 and during the course of investigation, the witnesses named in the F.I.R. did not support the version of the informant and stated that that they did not see the petitioner taking away the motorcycle, the above named petitioner, in the event of his arrest or surrender before the learned court below within a period of four weeks from the date of receipt/production of a copy of this order, is directed to 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 the learned Judicial Magistrate, 1st Class, Araria in Fulkaha P. S. Case No. 07 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

Mishra/-

U		T	
---	--	---	--

