

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17047 of 2017

Arising Out of PS.Case No. -38 Year- 2017 Thana -BHANGWANPUR HAT District- SIWAN

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Pankaj Kumar Rai S/o Suresh Rai, resident of Village- Bhagwanpur Hat,
P.S.- Bhagwanpur Hat, District- Siwan.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Pandey

For the Opposite Party/s : Mr. Sir Pawan Kumar Chaurasiya

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

2 03-05-2017 Heard learned counsel for the petitioner and learned
counsel representing the State.

The petitioner seeks bail in connection with
Bhagwanpur Hat P.S. Case No. 38 of 2017 registered for the
offences punishable under sections 413 and 414 of the Indian
Penal Code.

Allegedly, the petitioner and two others were
apprehended when they were going with red colour passion pro
motorcycle having registration no. BR29S-8848 and further two
other persons have been apprehended from the black colour
passion pro motorcycle having registration BR31K 5411 and after
interrogation they did not even produce any paper and he



confessed that motorcycle are stolen one.

Submission is of false implication that the petitioner has been made victim of circumstances. No motorcycle has been recovered from the possession of the petitioner. The petitioner has got mobile shop at Bhagwanpur Bazar name and style Aditya Telecom and he was arrested from his shop. One person purchased mobile but he was not paying the full money and the petitioner refused to give him. When the purchaser became ready to go and come back with money then police came and arrested petitioner and asked about the motorcycle. The petitioner said truth but the police arrested him. The petitioner has no criminal antecedent and as such he deserves sympathetic consideration as he is suffering in custody since 16.2.2017 and charge-sheet has already been submitted. There is no chance of tampering with the prosecution evidence.

The learned A.P.P. opposes the prayer of bail.

In the facts and circumstances stated above, the petitioner is directed to be released on bail after completion of six months in custody on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of the learned A.C.J.M.-II, Siwan, in connection with Bhagwanpur Hat P.S. Case No. 38 of 2017, subject to the



conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J)

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