

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5069 of 2019

Arising Out of PS. Case No.-424 Year-2018 Thana- PIRBAHOR District- Patna

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Gautam Kumar son of Upendra Shah

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Anuj Kumar

For the Opposite Party/s : Mr.Binod Kumar

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

3 04-02-2019 Heard learned counsels for the parties.

The petitioner is languishing in custody since 27.7.2018 in a case registered for the offences punishable under Sections 414/34 of the I.P.C.

The prosecution case as per the written report of A.S.I. of Police Barun Kumar Singh dated 27.7.2018 submitted to the SHO, PIRBAHORE Police Station is to the effect that on the same day 4.20 A.M. while the informant along with other police constables was on patrolling duty, he found two persons on motorcycle. On enquiry, they failed to give any document with regard to the motorcycle in question and from their possession, one screw driver,



one master key, one key of motorcycle, wire and one mobile phone were recovered.

It is submitted by learned counsel for the petitioner that only on the basis of suspicion the accusation has been levelled and none has claimed the motorcycle in question. It is further submitted that unless offence of theft is prima facie established, no case under section 414 of IPC is made out. Though statement was made initially in the petition that the petitioner is not having any criminal antecedent but a supplementary affidavit has been filed stating therein that petitioner is accused in two other cases of similar nature.

Learned APP submits that the petitioner failed to produce the document with regard to the motorcycle and hence it is presumed that the motorcycle was stolen and the petitioner is accused in other cases.

Considering the nature of accusation and the fact that investigation has already concluded and the period under custody, 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 the learned CJM, Patna in



connection with Pirbahore P.S. Case No. 424 of 2018.

(Dinesh Kumar Singh, J)

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