

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2749 of 2019

Arising Out of PS. Case No.-42 Year-2018 Thana- SARE District- Nalanda

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Kanhaiya Sharma, son of late Vijay Sharma, Resident of Daya Nagar P.S-
Noor Sarai, Dist-Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Hare Ram Sah, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2/ 22-01-2019 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail in **Sessions Trial No.363 of 2018**
arising out of Sare P.S. Case No.42 of 2018 instituted for the
offence under Section(s) 414, 467, 468, 471 Indian Penal Code.

Counsel for the petitioner submits that Petitioner is in
custody since 02.05.2018. It is submitted that motorcycle, in
question, has not been recovered from conscious possession of
the petitioner. Recovery has been made near from the temple.

Seizure list is part of the First Information Report,
which shows that motorcycle has been recovered near the
temple.

As per First Information Report, petitioner is alleged
to have been arrested by the police with allegation that he was
planing to sell the motorcycle, which was stolen property.



Counsel for the petitioner submits that there is no separate case about the aforesaid motorcycle having been stolen by somebody.

Learned APP submits that several other cases of similar nature are pending against the petitioner, which will appear from para 3 of the petition.

The counsel for petitioner submits that police is implicating the petitioner falsely in several cases.

Therefore, keeping in view the period of custody spent by petitioner and the fact that recovery has not been made from conscious possession of the petitioner, prayer of the petitioner for grant of bail is allowed. Let the petitioner, above named, be released on bail on furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the **Additional Sessions Judge-I, Nalanda at Biharsharif**, in connection with **Sessions Trial No.363 of 2018 arising out of Sare P.S. Case No.42 of 2018**, subject to the condition that both the bailors shall be close relative of the petitioner.

Further, (i) the petitioner will remain present on each and every date of trial, (ii) His absence on two consecutive date(s) without any reasonable cause will make his bail bond



liable to be cancelled, and (iii) the petitioner will not intimidate
the witnesses in any way and will not hamper the trial.

(Sanjay Priya, J)

J. Alam/-

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