

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8316 of 2019

Arising Out of PS. Case No.-690 Year-2018 Thana- KAHALGAON District- Bhagalpur

ANKIT KUMAR Son of Mithilesh Kumar R/o Mohalla- Nadiyatola
Kahalgaon, P.S. Kahalgaon, District Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajesh Kumar Pandey

For the Opposite Party/s : Mr.Anant Kumar 1

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 14-02-2019 Heard learned counsels for the parties.

The petitioner is languishing in custody since 9.11.2018 in a case registered for the offences punishable under Sections 413,414,420 and 401 of the I.P.C.

The prosecution case as per the written report of SI Bijendra Paswan submitted to the SHO, Kahalgaon is to the effect that on 8.11.2018 at 5.45 P.M., an information was received by him from the SDPO about a gang of motorcycle robbery. Consequently, a raid was laid on the Garage of the petitioner, from where a Bajaj Pulsar, a TVS Star and a Kawasaki motorcycle were recovered and on the confession of the petitioner, recovery of motorcycle and other articles were also



made from co-accused Ajay Kumar and Golu Kumar.

It is submitted by learned counsel for the petitioner that the alleged recovered motorcycles were parked in the Garage of the petitioner for the purpose of repair and none made any complaint regarding theft of the motorcycle. The petitioner has been roped in the present case maliciously since the Officer-in-charge, Kahalgaon Police Station failed to supply information to the uncle of the petitioner under Right to Information Act and consequently, he was imposed fine of Rs.20,000/- by the State Information Commissioner. It is further submitted that the investigation has already been concluded. Statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP submits that the recovery has been made from the Garage of the petitioner.

Considering the fact that there is nothing on record to suggest that the motorcycles in the Garage of the petitioner were stolen property, statement being made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent and the period in



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, Bhagalpur in connection with Kahalgaon P.S. Case No. 690 of 2018.

(Dinesh Kumar Singh, J)

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