

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13005 of 2019

Arising Out of PS. Case No.-199 Year-2018 Thana- KURTHA District- Jehanabad

Bipul Kumar Son of Sanjay Sharma, Resident of Village-Babhana Lodipur,
Police Station-Kurtha, District-Arwal. Petitioner

Versus

The State of Bihar Opposite Party

Appearance :

For the Petitioner/s : Mr. Ramakant Sharma, Senior Advocate
Mr. Rakesh Kumar Sharma
For the Opposite Party/s : Mr. Arun Kumar

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 05-03-2019 Heard learned counsel for the parties.

This application for anticipatory bail arises out of Kurtha (Manikpur) P.S. Case No. 199 of 2018 for the offence under Section 414 of the Indian Penal Code.

On the basis of seizure of a stolen motorcycle from near the house of the petitioner, the First Information Report has been registered. The petitioner was not there at the time of occurrence and his family members are said to have told the police that the petitioner had purchased the said motorcycle on payment of Rs.20,000/- from one Samar Kumar @ Prince Kumar.

Learned senior counsel appearing on behalf of the petitioner has submitted that no offence under Section 414 of the Indian Penal Code can be said to be made out in the absence of any allegation in the First Information Report that the



petitioner was in possession of the said motorcycle knowing and believing the same to be stolen. He has also submitted that there is nothing to show that the said motorcycle was stolen one and the case has been registered only on the basis that no documents in support of the said motorcycle were produced before the police on demand, at the time of seizure.

I find substance in the submission made on behalf of the petitioner. This application is accordingly allowed.

Let the petitioner above named, in the event of his arrest/surrender within six weeks from today in the Court below, 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 C.J.M., Arwal in Kurtha (Manikpur) P.S. Case No. 199 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner shall present himself before the Police/Court, as the case may be, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

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