

Arising Out of PS. Case No.-127 Year-2018 Thana- BISHWAMBHARPUR District-
Gopalganj

The State of Bihar..... Respondent/s

For the Petitioner/s : Mr.Mritunjay Prasad Singh, Advocate
For the Respondent/s : Mr.Suresh Prasad Singh, A.P.P.

ORAL ORDER

3. Two stolen motorcycles along with three persons including petitioner were apprehended. Petitioner was driving one of the motorcycle and on query he disclosed that he has



purchased the aforesaid motorcycle from one Rakesh Sahni in Rs.9000/- and said Rakesh Sahni was also arrested and he conceded the factum of selling out of aforesaid motorcycle to the petitioner in Rs.9000/-.

4. It is submitted by learned counsel for the petitioner that no such occurrence as alleged ever took place. He has no concern with the aforesaid occurrence. No incriminating article has been recovered from the conscious physical possession of the petitioner. He has purchased the seized motorcycle from Rakesh Sahni without having knowledge of aforesaid motorcycle to be stolen one and Rakesh Sahni has also conceded the factum of selling out of aforesaid motorcycle to him. He has no criminal antecedent. He is a minor. He has been languishing in custody since 09.11.2018. Father of the petitioner is ready to take his custody and proper care.

5. Learned counsel for the State opposed the prayer of the petitioner.

6. After hearing the learned counsel for the both the parties and on perusal of the materials available on record, I find substance in contention of the learned counsel for the petitioner.

7. Considering the facts and circumstances stated above, in my opinion, the impugned order is not fit to be



sustained. Hence, the impugned order is set aside. The petitioner abovementioned is directed to be released on bail on furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned Juvenile Justice Board, Gopalganj in connection with J.E No. 157 of 2018 (arising out of Bishambhar P.S. Case No. 127 of 2018), on the following terms and conditions:-

(i) One of the bailors will be the father of the petitioner.

(ii) Father of the petitioner will produce the petitioner in the court if and when required.

(iii) The petitioner will not indulge in similar or in any other offence.

(iv) in case of his absence for two consecutive dates or in case of violation of the terms of the bail, his bail bond will be liable to be cancelled by the learned Juvenile Justice Board and he will be taken into custody.

8. In the result, this application is allowed.

(Prakash Chandra Jaiswal, J)

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