

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20058 of 2019**

Arising Out of PS. Case No.-296 Year-2018 Thana- BIHARSHARIF District- Nalanda

Vivek Kumar, Son of Suresh Mahto, Resident of Village-Chare, P.S.-Korma,
District-Sheikhpura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rudal Singh

For the Opposite Party/s : Mr.Amarendra Prasad

**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER**

2 02-04-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is languishing in custody since 27.07.2018 in a case registered for the offences punishable under Sections 379/411 of the Indian Penal Code.

The prosecution case is that on 25.06.2018 at 3.45 P.M., the informant parked his motorcycle in front of Central Bank of India and from there, it went missing, leading to the registration of FIR against the unknown. During investigation on the basis of CCTV footage the petitioner was apprehended by the police when he was roaming near the Bank from where the motorcycle was missing and on the basis of confessional statement of the petitioner, the stolen motorcycle was recovered.

It is submitted by learned counsel for the petitioner



that the recovery has not been made from the conscious physical possession of the petitioner and there is no material on record to suggest that the petitioner has been put on T.I. Parade. Though, the petitioner is accused in two other cases of similar nature.

Learned APP submits that the recovery has been made on the confession of the petitioner.

Considering the fact that the investigation has already been concluded, let the above named petitioner 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 learned Judicial Magistrate, Ist Class, Nalanda at Biharsharif in connection with Bihar P.S. Case No. 296 of 2018.

(Dinesh Kumar Singh, J)

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