

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23018 of 2019

Arising Out of PS. Case No.-828 Year-2018 Thana- TURKAULIYA District- East
Champaran

-
1. Prem Kumar, aged about 22 years, Son of Late Kapildeo Prasad, Resident of Village-Mahmmud Nagar, P.S-Motihari Muffasil, District-East Champaran.
 2. Nitesh Kumar Pandey, aged about 23 years, Son of Brijesh Kumar Pandey, Resident of Village-Mahmmud Nagar, P.S-Motihari Muffasil, District-East Champaran.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Chandra Verma, Advocate
For the Opposite Party/s : Mr.Nand Kumar

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 27-06-2019 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners seek bail in connection with Turkauliya (Banjariya) P.S. Case No. 828 of 2018 registered under Section(s) 379 of the Indian Penal Code. Later on Sections 411, 414 of IPC were added.

It is alleged in the written report that on the date of occurrence informant went inside his house after parking his motorcycle. The informant returned then he found his motorcycle was missing.

Learned counsel for the petitioners has submitted that petitioners are not named in the written report. Name of these



petitioners has come during investigation as mentioned in the impugned order, which is found mentioned in para 21 of case diary that the petitioners along with other co-accused were arrested by the police with stolen motorcycle.

Learned counsel for the petitioners has submitted that seizure-list is part of F.I.R. from which it appears that seizure of motorcycle has been made from the road in front of Siswania Chawk. Seizure-list does not show that motorcycle has been recovered from the conscious possession of petitioners. They has been arrested merely on suspicion.

Petitioners are in custody since 13.12.2018 having clean antecedent.

In the facts and circumstances of the case, let the petitioners above named be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Motihari, East Champaran in connection with Turkaulia (Banjaria) P.S. Case No. 828 of 2018, subject to the following conditions :

(1) One of the bailors would be close relative of the petitioners having sufficient immovable properties, who will file an affidavit stating their relationship with the petitioners.



(2) The petitioners will appear before the learned Court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of their bail bonds.

(3) If the petitioners indulge in an offence of similar nature in future, the prosecution will be at liberty to move the learned Court below for cancellation of their bail bonds.

(Anjani Kumar Sharan, J)

Nasimul/-

U		T	
---	--	---	--

