

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35012 of 2019

Arising Out of PS. Case No.-97 Year-2019 Thana- BANKA District- Banka

1. Sawan Kumar, S/o Bhutkesar Ray @ Bhatkeshwar Ray @ Mutkeswer Ray, R/o village- Khiri, P.S.- Banka, Distt.- Banka
2. Ajay Kumar Ray, S/o Bhutkesar Ray @ Bhatkeshwar Ray @ Mutkeswer Ray, R/o village- Khiri, P.S.- Banka, Distt.- Banka
3. Manoj Kumar Yadav, S/o Sri Dasharath Yadav, R/o village- Pipra, P.S.- Banka, District.- Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Mukherjee, Advocate
For the Opposite Party/s : Mr.Sanjay Kumar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 28-05-2019 Heard learned counsel for the petitioners and learned counsel appearing on behalf of the State.

The petitioners are in custody in connection with Banka P.S. Case No.97 of 2019 for the offence under Section 379 of the Indian Penal Code.

Learned counsel for the petitioner submits that after the arrest in the instant case, the petitioners have been remanded in Banka P.S. Case No.64 of 2019, under Section 379 of IPC. Except the aforesaid, there is no other criminal antecedent. Learned counsel further submits that petitioners have been apprehended in this case on the allegation of theft of motorcycle bearing Registration No.JH17E-5364. In fact, the said



motorcycle belongs to the father of petitioners no.1 & 2 and as such, allegation of theft of motorcycle is patently false.

Learned counsel for the petitioner further submits that the petitioners were not named in the F.I.R. and they are in custody since 18.02.2019.

Considering the fact that the petitioners have been made accused for theft of motorcycle, but the stolen motorcycle belongs to the father of petitioners no.1&2, the Court is inclined to grant bail to the petitioner. Let the petitioners, named above, are directed to be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Banka, in connection with Banka P.S. Case No.97 of 2019 subject to the condition that the petitioners will be released on bail after proper verification that the motorcycle bearing Registration No.JH17E-5364 belongs to the father of petitioners no.1&2 or not.

(Anil Kumar Upadhyay, J)

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