

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.69611 of 2018

Arising Out of PS. Case No.-686 Year-2017 Thana- MADHEPURA District- Madhepura

Manish Kumar @ Manish Kumar Yadav @ Manish Yadav Son of Bijen Yadav
@ Bijendra Yadav, Resident of Village-Nadodih, P.S.-Sour Bazar, District-
Saharsa.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar

For the Opposite Party/s : Mr. Kanhaiya Kishore

**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL ORDER

5 13-02-2019 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner seeks bail in Madhepura (Shailarh) P.S.
Case No. 686 of 2017 registered under Section 392 of the Indian
Penal Code.

Three motorcycle borne criminals are said to have looted
the motorcycle and mobile of the informant on the point of
weapon and the said motorcycle is said to have been recovered
from the house of the petitioner.

It is submitted by learned counsel for the petitioner that
no such occurrence as alleged ever took place. The petitioner
has committed no offence and has no concern with the aforesaid
occurrence. He has been falsely implicated in this case. The



petitioner is neither named in the F.I.R. nor he was apprehended on the spot. Nothing incriminating article has been recovered from his conscious physical possession. The house of the petitioner from where the motorcycle is said to have been recovered is a joint family house and is inhabited by his several family members. He had no knowledge of keeping of motorcycle in his house. The copy of the seizure list has not been furnished to the petitioner, thus there is utter violation of Section 100 Cr.P.C. Petitioner was not put on T.I.P. Regarding the aforesaid recovery of the motorcycle Sour Bazar P.S. Case No.497 of 2017 was lodged and petitioner has been enlarged on bail in the said case by the learned lower Court. The petitioner has been languishing in custody since 10.04.2018.

Considering the facts aforesaid, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Madhepura in connection with Madhepura (Shailarh) P.S. Case No.686 of 2017.

(Prakash Chandra Jaiswal, J)

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