

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.75450 of 2018

Arising Out of PS. Case No.-410 Year-2018 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

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Chandan Kumar @ Chandan Yadav Son of Gulla Yadav, Resident of Village-
Jurabganj, P.S.-Kodha, District Katihar.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Ajay Kumar Thakur Mr. Pravin Kumar, Mrs. Babita Kumari Ms. Sweta Kumari
For the Informant	:	Mr. Navesh Nandan
For the Opposite Party/s	:	Mr.Sri Madan Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4 21-01-2019 Heard the learned counsel for the petitioner, the
informant and the learned A.P.P. for the State.

The petitioner seeks bail in Samastipur Muffasil P.S.
Case No. 410/2018, instituted for offence under Section(s) 379
of the Indian Penal Code.

It is alleged in the written report that on the date of
occurrence informant was proceeding on his motorcycle after
withdrawing Rs. 2.50 lacs from the SBI Bank. When he reached
near FCCI more, two persons on a black colour motorcycle
came and took the bag of informant which was hanging on the
handle of his motorcycle.

Learned counsel for the petitioner has submitted that



F.I.R. is against unknown. There is no recovery of any money from possession of this petitioner.

Learned counsel for informant has appeared and submitted that T.I.P. has been held in this case wherein petitioner is identified by informant. He has further submitted that the motorcycle which was used in the occurrence was theft motorcycle for which L.M.N.U. P.S. Case No. 154/2017 is pending. He has submitted that in the case diary it has come that there was telephonic contact between the petitioner and other accused persons at the time of occurrence. There was also recovery of money.

Learned counsel for the State has submitted that in para 32 of case diary it has come that on the basis of confessional statement of Vikash Kumar @ Vinay Kumar recovery of money was made.

Learned counsel for the petitioner has submitted that from the allegation in the written report and statement in para 32 of case diary it is not clear that recovered amount was looted amount as alleged in the written report. He has further submitted that petitioner has never been remanded in any case of motorcycle theft vide L.M.N.U. P.S. Case No. 154/2017.



Petitioner is in custody since 13.07.2018.

Considering the aforesaid facts and circumstances, prayer of the petitioner for grant of bail is allowed. Let the petitioner, above named, 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 the learned **Additional Chief Judicial Magistrate Vth, Samastipur** in connection with **Samastipur Muffasil P.S. Case No. 410/2018**, subject to the conditions that both the bailors shall be the close relative of the petitioner.

(Sanjay Priya, J)

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