

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66571 of 2019

Arising Out of PS. Case No.-399 Year-2019 Thana- TURKAULIYA District- East
Champaran

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CHHOTU @ RANJAN, aged about 25 years, Gender-Male, Son of Late Mahanth Sah, Resident of Village - Sahu Tola, Banjariya, P.S.- Banjariya, Distt.- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ajay Kumar Singh, Adv.

For the Opposite Party/s : Mr.Yogendra Kumar

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 05-11-2019 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner seeks bail in a case registered for the
offence punishable under Section 379 of the Indian Penal Code.

The prosecution case is that the informant-Munna Kumar has filed a petition before S.H.O., Banjariya P.S. stating therein that he came at the house of his relative Basant Sah to participate in feast and after parking his motorcycle Hero CD Deluxe bearing it's registration no. BR 06AD 8672 he took feast. When the informant returned, he saw that Chhotu alias Ranjan resident of Banjariya was sitting on his motorcycle. After some times, when the informant tried to see his motorcycle, he saw that Chhotu alias Ranjan was going on his



motorcycle after breaking lock. The informant chased him, but the accused taking advantage of dark night succeeded in fleeing away. Thereafter, the informant and his relative went to the house of Chhotu alias Ranjan, where his mother was present and she said that Chhotu alias Ranjan has gone to take feast. When the informant contacted with accused on mobile, the accused replied that he was going to Muzaffarpur to attend Barat party by Jan Nayak Train and after reaching there he will talk and when the informant asked about his motorcycle, he could not give any reply. The contents of FIR find support under paragraphs 3, 7 and 8 of the case diary. The confessional statement of the petitioner-accused Chhotu alias Ranjan is mentioned under paragraph-21 of the case diary, in which he has accepted the theft of the motorcycle in Nepal. The criminal antecedent of the petitioner-accused is mentioned under paragraph-34 of the case diary, from which it appears that he is charge-sheeted accused in Motihari Rail P.S. Case No. 25 of 2014 for the offence u/s 379 and 411 of the I.P.C.

Learned counsel for the petitioner submits that there is allegation of theft of motorcycle of the informant as per FIR. There is one another case in Motihari Rail P.S. Case No. 25 of 2014 in which petitioner has been granted bail.



It has been submitted on behalf of the petitioner that the petitioner is in custody since 24.06.2019 and there is no recovery from the conscious possession of the petitioner. Charge sheet has been submitted in this case. There is no allegation of tampering of witnesses alleged against the petitioner.

On behalf of the State, it is submitted that the petitioner is named in the FIR.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released 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 C.J.M., East Champaran, Motihari, in connection with Turkauliya (Banjariya) P.S. Case No. 399 of 2019.

(Anjani Kumar Sharan, J)

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