

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4738 of 2020

Arising Out of PS. Case No.-338 Year-2019 Thana- HARSIDHI District- East Champaran

RAJU KUSHWAHA @ RAJU KUMAR KUSHWAHA S/o Late Asharfi
Kushwaha Resident of Village- Champapur, P.S.- Ramgardhwa, Distt- East
Chamapran

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jitendra Kumar

Miss. Supriya Rani

For the Opposite Party/s : Mr. Manoj Kumar

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 23-01-2020 Heard the learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks regular bail in connection with
Harsidhi P.S. Case No. 338 of 2019, registered for the offence
punishable under Section 379 of the Indian Penal Code.

The allegation is regarding the pickup van of the
informant having been stolen by unknown miscreants and
subsequently, the same is said to have been recovered from
the shop of the co-accused person, namely, Pramod Kumar.

The learned counsel for the petitioner has submitted that
the petitioner has been falsely implicated in the present case.
It is submitted that though the petitioner is accused in two
other cases, but he is on bail in the said two cases. It is further
submitted that the petitioner is languishing in custody since



28.10.2019. Lastly, it is submitted that neither any recovery has been made from the possession of the petitioner nor from his house nor from his shop and the recovery of the stolen pickup van has been made from the shop of the co-accused person, namely, Pramod Kumar, hence, there is no impediment in grant of regular bail to the petitioner.

Per contra, the learned counsel for the informant has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner, coupled with the fact that no recovery of stolen pickup van has been made from the possession of the petitioner or from his house or from his shop, I deem it fit and proper to direct for release of the petitioner on regular bail.

Accordingly, the above named petitioner is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned CJM East Champaran at Motihari in connection with Harsidhi P.S. Case No. 338 of 2019.

(Mohit Kumar Shah, J)

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