

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17469 of 2020

Arising Out of PS. Case No.-87 Year-2016 Thana- KALUAHI District- Madhubani

PREM KUMAR PARWAT @ PREM PARWAT @ PREM GIRI Son of Late
Rajendra Parwat Resident of Village-Chhap Mathiya, P.S-Mirganj, District-
Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Pandey No.5

For the Opposite Party/s : Mr.Braj Kishore Pd.(APP)

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 22-09-2020 The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel appearing for the petitioner and Shri Braj Kishore Pd., learned A.P.P. for the State.

The petitioner seeks regular bail in connection with Kaluahi P.S. Case No. 87 of 2016 for the offence punishable under Section 379 of the Indian Penal Code.

The allegation is regarding the co-accused person namely Lallan Sahani having stolen the vehicle of the informant, which is alleged to have been sold to the petitioner herein.

It is the case of the prosecution that the said Lallan Sahani



had disclosed the name of the co-accused person Rakesh Kumar Roy as one of his accomplice who in turn has disclosed the name of the petitioner to be also a person having complicity in the matter.

The learned counsel for the petitioner has submitted that the petitioner is innocent and he has been falsely implicated in the present case. It is further submitted that the petitioner was arrested in connection with Siwan Mufassil P.S. Case No. 163 of 2019, whereafter he has been remanded in the other cases and the stolen vehicle has been recovered in another case bearing Siwan Muffasil P.S. Case No. 67 of 2017. It is also submitted that the petitioner has been subsequently remanded in the present case and has got no complicity in the matter inasmuch as the stolen vehicle has not been recovered from the petitioner as far as the present case is concerned. Lastly, it is submitted that the main accused namely Lallan Sahani has already been granted the privilege of bail vide order dated 26.04.2018 passed in Criminal Misc. No. 22107 of 2018 by a coordinate Bench of this Court.

Per contra, the learned A.P.P. for the State 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 and taking into account the fact that minuscule evidence is available in the case dairy as far as the petitioner is concerned and moreover the main accused person Lallan Sahani has already been granted bail, I deem it fit and proper to direct for release of the petitioner on regular bail.

Accordingly, the petitioner, above named, is directed to 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 learned Judicial Magistrate, Madhubani in connection with Kaluahi P.S. Case No. 87 of 2016 (G.R. No. 2230 of 2016).

It is further directed that the petitioner would mark his attendance before the Officer In-Charge of the concerned Police Station at 10:00 A.M. on every Monday of the week and in the event of his failure to do so on two consecutive occasion, the present privilege of bail shall stand cancelled automatically and the petitioner shall be taken into custody forthwith.

(Mohit Kumar Shah, J)

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