

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18265 of 2020

Arising Out of PS. Case No.-64 Year-2019 Thana- SASARAM NAGAR District- Rohtas

DIPANSHU KUMAR RAY Son of Yogendra Rai Resident of Village - Badki
Akorhi, P.S. - Kargahar, District - Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Chandra Mohan Jha
For the Opposite Party/s : Mr.Shyam Kumar Singh

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 24-08-2020 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 Shri Chandra Mohan Jha, learned counsel appearing for the petitioner and Shri Shyam Kumar Singh, learned A.P.P. for the State.

The petitioner seeks regular bail in connection with Sasaram (Model) P.S. Case No. 64 of 2019 for the offence punishable under Sections 379 and 411 of the Indian Penal Code.

The case of the prosecution in brief is that on 22.01.2019 at about 9:30 P.M., the informant, after closing his Saloon situated at Kali Asthan, Mahila College, Sasram had gone to his house on a Hero Splendor Pro Motorcycle and upon reaching his house he had parked his motorcycle outside his house whereafter he had



gone inside the house to keep vegetable but when he came out of the house at about 8:30 P.M. he saw that his motorcycle was missing.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case and though he is an accused in two other cases but the same have been lodged in the sequence of the occurrence of the present case. It is further submitted that the alleged stolen motorcycle, though has been stated to have been recovered and seized from the possession of the petitioner but the said recovery and seizure of the motorcycle has been made in Kochas P.S. Case No. 33 of 2019 which has been filed under the provisions of the Arms Act, however, as far as the present case is concerned, the same has been registered against unknown accused persons and the fact is that the petitioner has been remanded in this case from the aforesaid Kochas P.S. Case No. 33 of 2019. Lastly, it is submitted that the petitioner is languishing in custody since 26.09.2019 and he is ready to abide by such terms and conditions as may be deemed fit and proper to be imposed for the purposes of grant of bail.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for bail.

Considering the facts and circumstances of the case as also taking into account the submissions made by the learned counsel



for the parties, this Court finds that the petitioner has already been suitably punished inasmuch as he is languishing in custody since 26.09.2019, however, since the stolen motorcycle has been recovered from the petitioner, though in another case, this Court deems it fit and proper to direct for release of the petitioner on bail, however, subject to certain conditions.

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 ACJM, Sasaram, Rohtas in connection with Sasaram (Model) P.S. Case No. 64 of 2019.

It is further directed that the petitioner shall appear before the S.H.O. of the concerned Police Station on each and every Monday of the alternative week and in the event of any default, the present privilege of bail shall stand revoked automatically and the petitioner shall be taken into custody forthwith.

(Mohit Kumar Shah, J)

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