

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21046 of 2020

Arising Out of PS. Case No.-541 Year-2019 Thana- SAHEBGANJ District- Muzaffarpur

VIMAL KUMAR TIWARI Son of Chandeshwar Tiwari Resident of Village -
Bangra, Paharpur Chak, Ahllad, P.S.- Sahebganj, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Yashraj Bardhan

For the Opposite Party/s : Mr.A.G

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 26-06-2020 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 Bharat Lal, learned A.P.P. for the State.

The petitioner seeks regular bail in connection with Sahebganj P.S. Case No. 541 of 2019 for the offence punishable under Sections 413, 414 and 401 of the Indian Penal Code.

The allegation is regarding the petitioner and other accused persons being apprehended by the Police and a motorcycle was recovered regarding which the accused persons could not produce any valid registration documents.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case and is languishing in custody since 13.12.2019. It is further



submitted that recovery of the motorcycle has been made from the co-accused person and as far as the petitioner is concerned, no recovery has been made from his conscious possession, hence the petitioner is having no complicity in the matter.

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 period of incarceration of the petitioner herein as also the fact that the motorcycle in question has not been recovered from the conscious possession of the petitioner, 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 A.C.J.M.-1st (Est)-cum-Sub-Judge, Muzaffarpur in connection with Sahebganj P.S. Case No. 541 of 2019.

(Mohit Kumar Shah, J)

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