

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21597 of 2020

Arising Out of PS. Case No.-130 Year-2020 Thana- MADHEPURA District- Madhepura

RAUSHAN KUMAR @ ROSHAN KUMAR, aged about 18 years (Male),
Son of Late Bhajnanand Yadav @ Late Bhajnandan Prasad Yadav, Resident of
Village-Siswapatti Ward No. 7, P.S.- Gwalpara, O.P.- Arar, District-
Madhepura.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Dr. Sanjay Kumar Singh, Advocate.
For the Opposite Party : Mr. A.G.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 06-07-2020 Due to COVID-19 Pandemic, the matter is being
taken up by way of virtual Court proceeding.

The matter has been listed under the heading 'For
Orders' under the orders of Hon'ble the Chief Justice.

Learned counsel for the petitioner is directed to
remove the defects, as pointed out by the office, within a period
of four weeks from the date of lifting of the lockdown in the
State of Bihar.

Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner seeks bail in a case for the offence
registered under Section 379 of the IPC. Later on, Section 411
of the IPC., was also added.



The prosecution story, in brief, is that on 12.02.2020, the Motorcycle of the informant was stolen away by some unknown thief.

It has been submitted by learned counsel for the petitioner that the petitioner is languishing in custody since 14.02.2020. The petitioner has got no criminal antecedent. Charge sheet has been submitted in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner is not named in the F.I.R. His name has transpired in the present case on the basis of confessional statement of co-accused. The petitioner had no knowledge that the Motorcycle in question is a stolen property. The petitioner has been made accused in the present case due to mistake of fact. There is no compliance of Section 100 Cr. P.C. All the offences are triable by the Magistrate.

On behalf of the State, it is submitted that the petitioner is not named in the F.I.R.

Considering the facts and circumstances of the case and also the lockdown, the petitioner above named, is directed to be released on bail on his personal bond to the satisfaction of the learned C.J.M. Madhepura in connection with Madhepura P.S. Case No. 130 of 2020.



Once the normalcy is restored, the petitioner shall furnish bail bonds of Rs. 10,000/-(Rupees Ten Thousand) with two sureties of the like amount each within a period of four weeks to the satisfaction of the court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

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