

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25816 of 2020

Arising Out of PS. Case No.-54 Year-2020 Thana- BIHTA District- Patna

SUNNY KUMAR Son of Late Dharmendra Paswan Resident of Village-
Danara, P.S.- Bikram, District- Patna, at present - Nagar Bihta, P.S.- Bihta,
District- Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Rajesh Kumar, Advocate
For the Opposite Party : Mr. Parmanand Kumar, APP

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 14-10-2020 Heard Mr. Rajesh Kumar, learned counsel appearing
on behalf of the petitioner and Mr. Parmanand Kumar, learned
Additional Public Prosecutor, for the State of Bihar.

This application for grant of regular bail arises out of
Bihta P.S. Case No. 54 of 2020, registered for the offence
punishable under Sections 413 and 414 of the Indian Penal
Code.

A Sub Inspector of Police is the informant and it is
alleged that from the welding shop of co-accused Dilip Kumar
Paswan, a stolen truck was found being dismantled by cutting
the same into pieces. Allegedly, on seeing the police near the
shop, some persons started fleeing away; one of them (the
petitioner) was apprehended. The petitioner is said to have
disclosed that he worked as labour in the said welding shop of



co-accused Dilip Kumar Paswan, who indulged in receiving stolen vehicles and after dismantling them, selling the parts in black market.

The petitioner is in custody since the date when he was apprehended, i.e., on 16.01.2020.

Learned counsel appearing on behalf of the petitioner has argued that there is no allegation in the First Information Report that the truck in question was a stolen property and in the absence of such allegation, no offence under Section 414 of the Indian Penal Code can be said to be made out.

Considering the above submission and the fact that the petitioner has no criminal antecedent, this application is allowed.

Let the petitioner, above named, 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 the learned A.C.J.M.-1, Danapur, in Bihta P.S. Case No. 54 of 2020.

It is directed that the defect(s) in the application, pointed out by the Registry, must be removed within two months.

Since COVID-19 pandemic situation is prevailing, the Court has considered it appropriate to adopt following



procedure for communication of the present order :-

(i) The order, which has been dictated during the course of the proceedings of virtual Court, shall be communicated to me on my e-mail I.D. by the Secretary.

(ii) The corrected copy of the order shall be transmitted by me from my e-mail I.D. to the Secretary, which shall be treated to be the authentic copy of the order passed by this Court today in the present proceeding.

(iii) Hard copy of the order, duly signed by me, shall be preserved in my residential-office for documentation and future use, if any.

(iv) Let a copy of the order be communicated to the learned Court below through e-mail or any other appropriate electronic mode by the Registry.

Let steps be taken by the Registry for uploading of the present order without compromising with the norms of social distancing.

(Chakradhari Sharan Singh, J)

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