

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85650 of 2019**

Arising Out of PS. Case No.-440 Year-2019 Thana- AHİYAPUR District- Muzaffarpur

Mithlesh Sahani Son of Bhola Sahani Resident of Village - Mothahamal, P.S.-
Minapur, Distt - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mahesh Prasad, Advocate

For the Opposite Party/s : Mr. J.N. Thakur, APP

**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER**

3 19-03-2020 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is languishing in custody since 08.08.2019 in a case registered for the offences punishable under Sections 392/411 of the Indian Penal Code.

The prosecution case as per the written report of Rishi Kumar submitted to the Station House Officer, Ahiyapur Police Station is to the effect that on 13.04.2019 while informant was returning to his village home, on the way, the motorcycle of the informant was robbed off by four unknown persons, leading to registration of the FIR against unknown. During investigation two persons namely, Md. Jiyaullah and Sachin Kumar were apprehended who confessed that the robbed motorcycle was



sold to them by the petitioner.

It is submitted by learned counsel for the petitioner that even assuming the confession, no case under Sections 392/411 of the IPC is made out against the petitioner. Though the petitioner is accused in six other cases but in four of those cases, he is on bail and the investigation has already been concluded.

Learned APP after going through the case diary submits that the apprehended co-accused persons confessed that the motorcycle was sold to them by the petitioner and petitioner has serious criminal antecedent.

Considering the fact that the investigation has already been concluded, let the above named petitioner 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 Chief Judicial Magistrate, Muzaffarpur in connection with Ahiyapur P.S. Case No. 440 of 2019.

Since the petitioner is having serious criminal antecedent, the learned Court below will immediately cancel the bail bonds of the petitioner, if the petitioner gets substantially involved in similar nature of offence.

It is expected from the investigating officer to



immediately report about petitioner’s involvement in similar nature of the offence to the Court concerned.

(Dinesh Kumar Singh, J)

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