

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 14794 of 2021**

Arising Out of PS. Case No.-370 Year-2020 Thana- SIWAN MUFFASIL District- Siwan

BIRENDRA RAI Son of Shivji Ray Resident of Village - Masumganj, P.S.-
Bhagwan Bazar, Distt.- Chapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Javed Aslam, Advocate

For the Opposite Party/s : Mr Akshay Lal Pandit, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

5 27-09-2021 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor (for brevity, *APP*) appearing for
the State of Bihar.

The petitioner seeks bail in Siwan Mufassil Police
Station (for brevity, *PS*) Case No 370 of 2020 instituted for the
offence punishable under Sections 414, 467, 468, 471 of Indian
Penal Code.

Arrest of one co-accused Sunil Kumar Singh has led
to the recovery of various stolen vehicles and arrest of several
persons.

Learned counsel for the petitioner submits that when
Sunil Kumar Singh (co-accused) was arrested, he stated the
names of the members of the gang who were indulging in



stealing of vehicles as well as the name of the person who was changing and tampering the engine number and chassis number as also the name of the person who was selling the stolen vehicle. Petitioner has not been named by him. The petitioner was allegedly arrested with one of the stolen vehicles. Co-accused Vikash Kumar Manjhi, Raju Singh, Sunil Kumar Singh and Mukesh Kumar Choudhary @ Mukesh Chaudhary have already been granted bail by this Court in Cr Misc No 2846 of 2021, Cr Misc No 11245 of 2021, Cr Misc No 2263 of 2021 and Cr Misc No 12217 of 2021 respectively, who have specifically been named. The petitioner is in custody since 21.08.2020 and is on bail in the three cases, pending against him since before.

Learned APP has opposed the prayer for bail. He submits that stolen vehicle has been recovered from the possession of the petitioner.

Considering the rival submissions as also the facts and circumstances of the case, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail is allowed. Let the petitioner, above named, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Judicial



Magistrate, Siwan in connection with Siwan Mufassil PS Case
No 370 of 2020 subject to the following conditions:-

(i) That one of the bailors will be a close relative of
the petitioner who will give an affidavit giving genealogy as to
how he is related with the petitioner. The bailor will also
undertake to inform the Court if there is any change in the
address of the petitioner.

(ii) That the petitioner will be well represented on
each date and if he fails to do so on two consecutive dates, his
bail bond will be liable to be cancelled.

Learned counsel for the petitioner is expected to
honour his undertaking given in the instant proceedings today
for depositing requisite Court fee and removing the defect (s), as
pointed out, when called upon to do so.

(Madhuresh Prasad, J)

M.E.H./-

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