

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16286 of 2021**

Arising Out of PS. Case No.-120 Year-2019 Thana- TELHARA District- Nalanda

HARSH KUMAR @ BARDHAN SINGH @ BALLU KUMAR S/O
RAMANUJ PRASAD R/O VILLAGE-GIRIAK MORE, RAJGIR, P.S.-
RAJGIR, DISTRICT-NALANDA.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shashi Chandra Pandey, Adv.

For the Opposite Party/s : Mr.Ram Priya Sharan Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

6 27-10-2021 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

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

Petitioner in the present case is seeking regular bail in connection with Telhara P.S. Case No.120/2019 registered for the offences punishable under Sections 379/414 of the Indian Penal Code. He is in custody since 07.10.2020. The petitioner has got two criminal antecedents.

As per the prosecution story, on 21.09.2019 at 7.00 am the informant was on patrolling duty near Kela Biga and was involved in vehicle checking in the meantime one person fled



away leaving behind his TVS motorcycle. The motorcycle was seized and seizure list was prepared in presence of two local witness. It was suspected that motorcycle may be stolen one.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Learned counsel submits that the owner of the vehicle himself says that this petitioner had borrowed the motorcycle from him. It is submitted that the petitioner has remained in custody in connection with this case since 07.10.2020 and in the two cases against him he is said to be on bail.

Learned APP for the State is present and has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein the owner of the vehicle himself says that this petitioner had borrowed the motorcycle from him, the contention being that in such circumstance a case under Sections 379 and 414 I.P.C. has been wrongly initiated against the petitioner, he has remained in custody since 07.10.2020 and in the two cases against him, learned counsel for the petitioner has informed this Court that the petitioner is on bail, this Court directs that the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five



Thousand only) with two sureties of the like amount each to the satisfaction of Sri Raushan Kumar, Judicial Magistrate-1st Class, Hilsa (Nalanda) in connection with Telhara P.S. Case No.120/2019, subject to the condition as laid down under Section 437 (3) Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

