

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32392 of 2021

Arising Out of PS. Case No.-96 Year-2021 Thana- MASHRAK District- Saran

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Anup Kumar Singh Son of Late Subash Singh Resident of Village - Karn
Kudariya, P.S.- Mashrakh, District - Saran at Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bindhyachal Singh, Sr. Advocate
For the Opposite Party/s : Mr. Ram Chandra Singh, APP

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 26-11-2021 The present petition has been taken up for consideration through the mode of Video Conferencing in view of the prevailing situation on account of Covid 19 pandemic, requiring social distancing.

Heard Shri Bindhyachal Singh, learned senior counsel for the petitioner and learned A.P.P. for the State.

The petitioner seeks regular bail in connection with Mashrakh P.S. Case No. 96 of 2021 dated 18.02.2021 instituted for the offences under Sections 401, 413 and 414 of the Indian Penal Code.

Learned senior counsel for the petitioner submits that the petitioner is in custody since 19.02.2021, charge-sheet has been submitted in the case and he has got a criminal antecedent



of one case relating to Excise Act as mentioned in paragraph '3' of the bail application.

Learned senior counsel for the petitioner submits that from bare perusal of the allegation as alleged in the F.I.R. it would manifest that the informant alleges that on 17.02.2021 at 4.00 pm, the informant along with police party proceeded for patrolling duty then an information was received from S.H.O. Mashrakh that some criminals have assembled in an orchard (Dhobiya Gachhi) of village Karn Kudariya and were indulging in selling and purchasing of stolen motorcycles. Accordingly, it is alleged that when police party reached at the said place, two of the accused persons were apprehended and they disclosed their name as Anup Kumar Singh (petitioner) and Suraj Kumar Singh and the one who fled away on seeing the police, his name was disclosed as Vipul Kumar Singh. Thereafter, it is alleged that on search, one mobile phone was recovered from the possession of the petitioner and both the motorcycle and mobile phone were seized.

The learned senior counsel for the petitioner submits that the petitioner has been falsely implicated in this case and further the petitioner had gone to his field which was adjacent to the field where this motorcycle was lying and accordingly the



police arrested him.

Learned A.P.P. for the State vehemently opposes the prayer for regular bail of the petitioner.

Considering the fact that the petitioner is in custody since 19.02.2021 and charge-sheet has been submitted in the case, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Saran at Chhapra in connection with Mashrakh P.S. Case No. 96 of 2021 subject to the condition as laid down under Section 437 (3) Cr.P.C. with a condition that in the event the petitioner, after trial commences, does not appear on two consecutive dates, the learned court below shall proceed to cancel his bail bonds.

(Satyavrat Verma, J)

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