

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3930 of 2021

Arising Out of PS. Case No.-310 Year-2018 Thana- KESARIA District- East Champaran

Ganesh Sah, son of Vishwanath Sah, Resident of Village- Shankar Saraiya
Kalwari Tola, P.S.- Turkauliya, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Karandeep Kumar, Adv.

For the Opposite Party/s : Mr. APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

2 04-08-2021 Heard Mr. Karandeep Kumar, the learned Advocate
for the petitioner and the learned APP for the State.

The petitioner seeks bail in anticipation of his
arrest in connection with Turkauliya P.S. Case No. 310 of
2018, dated 31.07.2018, instituted for the offence under
Section 379 of the Indian Penal Code.

For the theft of a motorcycle, the subject F.I.R. has
been registered in which the petitioner has not been named.



His implication in this case is only on the basis of confession of three of the accused persons in another case where they were found in possession of a stolen motorcycle. In the aforesaid confession, it was also gathered that about a month ago, there was another theft which perhaps would be the subject matter of present F.I.R.

In the case in which the three accused persons were arrested and made confession, the petitioner also was made accused but was granted anticipatory bail.

It has, therefore, been urged on behalf of the petitioner that only because of the confession of three accused persons in another case, the police is trying to frame him in another case of theft as well. There is no material to connect the petitioner with the offence and even no trace of the stolen motorcycle would be found.

Regard being had to the facts afore-stated and taking into account that apart from the present case and the case about which reference has been made in the order, there is no other criminal case pending against the petitioner, he, in the event of his arrest or surrender before



the learned Court below within a period of eight weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned 3rd Addl. Chief Judicial Magistrate, East Champaran at Motihari in connection with Turkauliya P.S. Case No. 310 of 2018, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The application stands allowed.

(Ashutosh Kumar, J)

Praveen-II/-

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