

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39589 of 2020**

Arising Out of PS. Case No.-23 Year-2015 Thana- SIWAN MUFFASIL District- Siwan

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EZAZ SAI @ AZAZ ALAM @ EZAZ SAI AZAZ ALAM Son of Maksood Alam @ Makasud Alam @ Maksud Sai R/o Village- Khalispur, P.S.- Siwan Muffasil, Distt- Siwan.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amit Kumar Rakesh, Advocate
Mr. Ajay Kumar Tiwary, Advocate

For the Opposite Party/s : Ms. Meena Singh, APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 08-12-2021 Heard Mr. Amit Kumar Rakesh, learned Advocate for the petitioner and Ms. Meena Singh, learned APP for the State.

The petitioner seeks bail in anticipation of his arrest in connection with Siwan Muffasil P.S. Case No. 23 of 2015 dated 14.01.2015 instituted for the offences under Section 379 of the Indian Penal Code.

The informant has alleged that the motorcycle which he had purchased only recently was stolen by one Gulam Ali and the petitioner. He saw the petitioner and his associate taking away the motorcycle.

The learned counsel for the petitioner has submitted that such averment in the FIR cannot be believed for the reason that the informant had identified



the petitioner and another of having stolen his motorcycle but with respect to the occurrence of theft dated 14.12.2014, the FIR has been lodged after one month i.e. on 14.01.2015.

Regard being had to the nature of accusation and taking into account the clean antecedent of the petitioner and that the motorcycle has not been recovered from the premises of the petitioner, he is directed to be released on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt/production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, Siwan in connection with Siwan Muffasil P.S. Case No. 23 of 2015, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Ashutosh Kumar, J)

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