

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1020 of 2021

Arising Out of PS. Case No.-142 Year-2020 Thana- MUFFASIL District- Aurangabad

Prince Kumar Singh @ Nepali, aged about 25 years, Gender – Male, S/o Yaduvansh Singh, R/o Village- Raipura, P.S.- Muffasil, District- Aurangabad (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rakesh Singh, Advocate
For the State : Mr.Dilip Kumar No.1, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 12-03-2021 Learned counsel for the petitioner is permitted to remove the defects within four weeks.

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

The petitioner seeks bail in connection with Muffasil P.S. Case No. 142 of 2020 registered for the offences punishable under Sections 467, 468, 414 of the Indian Penal Code.

The prosecution story in brief is that the informant of this case gave a written petition alleging that on dated 17.08.2020, the informant along with other police personnels was on routine patrolling duty and when he reached near Batane Bridge, some suspected boys were seen moving with Apache Motorcycle. When those boys were stopped with the help of



police personnels and when they were asked that why they were in lonely place in suspicious postion then they tried to escape but they were caught. One person who was sitting behind the Apache motorcycle, driver stated that he was coming after purchasing vegetables and accompanied with the driver of the motorcycle. Meanwhile two more persons on black coloured Pulser motorcycle. The Apache motorcycle driver disclosed his name as Prince Kumar @ Nepali and two persons of Pulser motorcycle stated their name Ajit Kumar and Sanjit Kumar. Prince Kumar was caught and searched in presence of Ajit Kumar and Sanjit Kumar and what the materials were seized from his possession, seizure list was prepared as per rule. On dated 18.08.2020, when report was obtained from District Transport Officer, Aurangabad, regarding above seized Apache motorcycle then this fact name into existence that Chesis no. and Engine no. of the above motorcycle are not genuine.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case. As per the F.I.R., allegation against the petitioner is alleged to be driving the Apache motorcycle upon which a person with vegetable was also sitting but surprisingly neither his name mentioned in the F.I.R. nor he has been made witness to the



seizure list. He further submits that the petitioner has got no concern with the alleged seized motorcycle. Petitioner is in jail custody since 20.08.2020 and petitioner has one criminal antecedent mentioned in paragraph-3 of the bail petition.

Learned A.P.P. for the State opposed the bail petition.

In the facts and circumstances of the case, let the above named petitioner be enlarged on bail on furnishing bail bond of Rs. 25,000/- (twenty five thousand) only with two sureties of the like amount each to the satisfaction of learned C.J.M., Aurangabad in connection with Muffasil P.S. Case No. 142 of 2020, subject to the following conditions :

(1) One of the bailors will be his own blood relative, preferably, father, mother, brother, sister and/or his wife.

(2) The petitioner shall not indulge himself in any similar offence till conclusion of the trial.

(3) The petitioner shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

(4) The petitioner shall co-operate with the investigation, if not already concluded and make himself



available and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(Anjani Kumar Sharan, J)

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