

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40353 of 2020

Arising Out of PS. Case No.-87 Year-2020 Thana- PUNAURA District- Sitamarhi

Md. Abulaish Sheikh, Son of Awas Sheikh Resident of Village - Madhuban,
Ward No.- 04, P.S.- Punaura, District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Birendra Kumar, Advocate

For the Opposite Party/s : Mr. A.K. Pandit, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 02-03-2021 Heard Mr. Birendra Kumar, learned Counsel for the

petitioner and Mr. A. K. Pandit, learned Additional Public

Prosecutor for the State.

This application, for grant of regular bail, arises out
of Punaura Police Station Case No. 87 of 2020, disclosing
offences under Section 379 of the Indian Penal Code.

The allegation, as per the First Information Report
is that the informant parked his motorcycle and kept mobile
phone, ATM card and Rs.8,000/- in cash in the dickey of the
motorcycle and hide himself in a shelter at some distance due to
rain and when he returned back, his motorcycle was found
missing.

Learned counsel for the petitioner submits that the
petitioner has not committed any offence in the manner alleged



and he has falsely been implicated in this case inasmuch as the petitioner along with other accused persons were arrested in Punaura P.S. Case No.95 of 2020 along with the stolen motorcycle and on the basis of confessional statement of the petitioner, he has been implicated in the present case. Learned counsel next submits that petitioner has been granted bail in Punaura P.S. Case No.95 of 2020 registered under Section 430 and 440 of the Indian Penal Code. Learned counsel next submits that the stolen article kept in the motorcycle has not been recovered from the conscious possession of the petitioner and the petitioner is in custody since 28.08.2020 and the chargesheet has already been submitted against the petitioner and there is no likelihood that the petitioner will abscond or tamper with the evidence.

Having regard to the submissions made by the parties and taking into consideration the materials on record and the fact that petitioner has been granted bail in connection with Punpun P.S. Case No.95 of 2020 and further the petitioner is in custody since 28.08.2020 and the chargesheet has already been submitted in this case, I am inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, Abulaish Sheikh, be



released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sitamarhi, Patna, in connection with Punaura Police Station Case No. 87 of 2020.

(Anil Kumar Sinha, J.)

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