

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7341 of 2021

Arising Out of PS. Case No.-212 Year-2020 Thana- ITARHI District- Buxar

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Rahul Bhar @ Rahul Kumar Bhar aged about 22 years, male son of Rajendra Bhar, Resident of village- Itarhi, P.S. Itarhi, District- Buxar

... Petitioner

Versus

The State of Bihar

... .. Opp Party

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Appearance :

For the Petitioner : Mr, Anil Kumar Singh Advocate

For the State : Mr. Gauri Shankar Gupta, APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL ORDER

2 25-06-2021 In view of the sudden resurgence of Covid-19 infection, there is limited functioning of the High Court and, therefore, the matter has been listed today for consideration through virtual mode.

2. Heard learned counsel for the petitioner and learned counsel for the State

3. The petitioner seeks bail in Itarhi PS Case No. 212 of 2020, instituted for the offence under Sections 379,413 and 414 of the Indian Penal Code.

4. Learned counsel for the petitioner is expected to honour his undertaking given in the instant case for depositing the requisite court fee and to remove the defects as pointed out by office when called upon to do so by the office.

5. It is the case of the police official that they have received a tip off regarding some persons coming to sell a stolen *Mahendra Bhumiputra* tractor. It is alleged that four persons have fled away when the police had reached the place where the tractor had been brought for sale. It is further alleged that two persons have been apprehended who have disclosed the name of their associates. Thereafter, one motorcycle and one mobile phone has subsequently been recovered from possession



of the petitioner.

6. The learned counsel for the petitioner submits that the petitioner has no criminal antecedents and he is in custody since 27.09.2020. It is further submitted that the motorcycle and the mobile phone said to be recovered from the possession of the petitioner were in his *bona fide* possession and it belongs to him. In support of such submissions, reliance is placed on the registration certificate of the motorcycle as well as receipt showing purchase of the mobile phone, which are annexed as Annexures 2 and 3 of the bail application. The submission is of false implication on extraneous consideration.

7. The learned APP representing the State has opposed the prayer for bail.

8. Considering the rival submissions, let the petitioner, above named, 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 the learned **ACJM-IV Buxar**, in connection with **Itarhi PS Case No. 212 of 2020**, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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