

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7384 of 2021

Arising Out of PS. Case No.-197 Year-2020 Thana- HUSSAINGANJ District- Siwan

Pappu Khan @ Salim Khan aged about 27 years, (Male) son of Md Salam Khan, Resident of village- Basantpur Police Station Mirganj, District -Gopalganj.

... .. Petitioner

Versus

The State of Bihar

... .. Opp Party

Appearance :

For the Petitioner : Mr. Ramchandra Sahni Advocate
For the State : Mr. Madhuranand Jha APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 20-07-2021 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. 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.

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

4. The petitioner seeks bail in Hussainganj PS Case No. 197 of 2020, instituted for the offence under Section 392 of the Indian Penal Code.

5. The case of the informant is that his motorcycle has been snatched by three unknown miscreants.

6. The learned counsel for the petitioner submits that it is a case of false implication. The petitioner has no criminal antecedents and alleged recovery of the stolen motorcycle is,



prima facie, false. Referring to paragraph Nos. 15 and 21 of the case diary, he submits that the place, namely, the village from where the motorcycle has been recovered and the description of the motorcycle are in consistent. The recovery, therefore, allegedly from the petitioner's house is clearly unsustainable in the eyes of law based on the materials collected during course of investigation. The petitioner is in custody since 01.08.2020.

7. The learned APP representing the State has opposed the prayer for bail. It is submitted that the motorcycle has been recovered from the petitioner's house.

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 **CJM Siwan**, in connection with **Hussainganj PS Case No. 197 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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