

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5901 of 2022

Arising Out of PS. Case No.-598 Year-2021 Thana- GARKHA District- Saran

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Pramhans Kumar @ Machhila @ Machhilu S/o Sonalal Rai R/o Village-
Sadhpur, P.S.- Garkha, District- Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the State : Mr. Anil Kumar Singh No.1, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 20-07-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Garkha
P.S. Case No. 598 of 2021 registered for the offence under
Sections 379 and 411 of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in
custody since 30.08.2021.

The allegation against the petitioner is to commit theft
and while committing so, stolen the motorcycle of the
informant. The petitioner was apprehended private persons
while running away with the motorcycle of the informant.

Learned counsel appearing on behalf of the petitioner
submitted that from bare perusal of the F.I.R., it appears that the
arrest of the petitioner was made by the private persons and not



by the police. It is submitted that, as per seizure list, it appears that the recovery is not from the conscious physical possession of the petitioner. It is submitted that this is a case of false implication due to local village issues. It is pointed out that the petitioner is involved in two cases other criminal cases, in which he is on bail. While concluding the argument, it is submitted that investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State, while opposing the prayer of bail, fairly conceded that the arrest was made by private persons, as per F.I.R.

Considering the facts and circumstances as mentioned above, as arrest was made by private persons coupled with the fact that recovery of stolen motorcycle is not from the conscious physical possession of the petitioner, let the petitioner, above named, is directed to be released on bail in connection with Garkha P.S. Case No. 598 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Saran, subject to the following conditions:

“(i) That accused/petitioner shall



not involve in the similar nature of offence till the conclusion of trial, failing which the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner, duly supported by the documents.

(iii) That one of the bailors shall be Brajesh Kumar, who is the cousin brother of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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