

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17731 of 2022

Arising Out of PS. Case No.-684 Year-2020 Thana- SIKARPUR District- West Champaran

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HASMUDDIN MIAN Son of Manager Mian Resident of Village - Tuniya ,
P.s.- Bettiah Muffasil (Manuapur), Distt.- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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with

CRIMINAL MISCELLANEOUS No. 19792 of 2022

Arising Out of PS. Case No.-684 Year-2020 Thana- SIKARPUR District- West Champaran

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JAHIR MIAN Son of Yasin Mian Resident of Village - Tuniya, P.S.- Bettiah
Muffasil (Manuapool), Distt.- West Champaran, at present resident of Village
- Pasiya Tola Chanpatia, P.S.- Chanpatia, Distt.- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 17731 of 2022)

For the Petitioner/s : Mr.Umesh Chandra Verma

For the Opposite Party/s : Mr.Anil Prasad Singh

(In CRIMINAL MISCELLANEOUS No. 19792 of 2022)

For the Petitioner/s : Mr.Sachida Nand Rai

For the Opposite Party/s : Mr.Harendra Prasad

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

4 06-09-2022 The learned counsel for the petitioners is directed to

remove all the defects pointed out by the Stamp Reporter within one

month.

Both the petitions have been heard together as they arise

out of the same police station case number and are being disposed of

by this common order.



Petitioners seek regular bail in Shikarpur P.S Case No. 684 of 2020 registered for the offence punishable under Section 379 of the Indian Penal Code.

Allegedly, informant parked his motorcycle near a temple which was stolen away by someone and during course of investigation, both petitioners were found involved in stealing motorcycle.

The main submissions advanced by Sri Umesh Chandra Verma, the learned counsel appearing for the petitioner -Hasimuddin Mian are that petitioner was arrested in connection with Bettiah Town P.S. Case no. 38/2020 and thereafter he was subsequently remanded in this case and in the present case against him there is no direct or indirect evidence and alleged stolen motorcycle has not been recovered from his possession, he has been languishing in jail since 21.9.2021, there is only one statement recorded before police goes against him.

Sri Sachida Nand Rai, the learned counsel appearing for the petitioner-Jahir Mian submits that petitioner has been made accused in this case on the basis of statement of co-accused Hasimuddin Mian and alleged stolen motorcycle has not been recovered from his possession and he has been languishing in jail since 21.9.2021.

Sri Anil Prasad Singh and Sri Harendra Prasad, learned APPs appearing for the State have opposed the prayer for bail.



Having considered the above submissions and taking into consideration the fact that the case is triable by a Magistrate and both petitioners have taken the plea that stolen motorcycle has not been recovered from their possession and order impugned goes to show that charge sheet has been submitted and trial of the petitioners is at initial stage, in the opinion of this court, a lenient approach can be taken in respect of the petitioners.

Let the petitioners 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 Chief Judicial Magistrate, West Champaran at Bettiah/ concerned court in Shikarpur P.S Case No. 684 of 2020.

(Shailendra Singh, J)

s.hassan/-

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