

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31098 of 2021**

Arising Out of PS. Case No.-425 Year-2020 Thana- JAYNAGAR District- Madhubani

=====

SANJAY KUMAR YADAV S/O KARI YADAV R/O VILLAGE AKAUNHA,
P.S. DEVDHA, DISTRICT MADHUBANI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Ratanakar Jha

For the Opposite Party/s : Mr. Surendra Kumar

=====

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 08-03-2022 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner seeks regular bail in connection with Jainagar Police Station Case No. 425 of 2020, registered for the offences punishable under Section 379 of the Indian Penal Code.

The prosecution case, as per the First Information Report, is that some unknown thief stolen the motorcycle of the informant.

Learned Counsel for the petitioner submits that the petitioner has falsely been implicated in this case at the behest of the police and he has not committed any offence in the manner alleged. He further submits that the First Information Report, against unknown, has been lodged on 02.12.2020 and



the stolen motorcycle was allegedly recovered when three persons were trying to sell the same in a garage on 04.12.2020, but the seizure list has been made part of the First Information Report lodged on 02.12.2020, which creates doubt in the prosecution version. He further submits that the stolen motorcycle has not been recovered from the possession of the petitioner and the same has been recovered from a garage, which would be evident from paragraph 67 of the case diary. He further submits that the petitioner is in custody since 06.12.2020 and charge sheet has been submitted against the petitioner and as such, there is no likelihood of the petitioner being abscond or tamper with the evidence.

On the other hand, learned Additional Public Prosecutor submits that from perusal of paragraph 16 of the case diary, it would be evident that the stolen motorcycle has been recovered from the possession of the petitioner, but upon query by this Court, he failed to produce the seizure list showing recovery from the possession of the petitioner. However, the seizure list, annexed with the First Information Report, shows that the stolen motorcycle has been recovered from the garage by the police.

Regards being had to the submissions advanced on



behalf of the parties concerned and taking into consideration the materials available on record and the fact that there is discrepancy on the point of recovery of the stolen motorcycle in the case diary and the seizure list, the petitioner is in custody since 06.12.2020 and charge sheet has already been submitted, I am inclined to grant regular bail to the petitioner.

This application is, accordingly, allowed.

Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Madhubani, in connection with Jainagar Police Station Case No. 425 of 2020, subject to the condition that the petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as and when directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the learned Court below itself.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

U	✓	T	✓
---	---	---	---

