

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26143 of 2022

Arising Out of PS. Case No.-669 Year-2021 Thana- HILSA District- Nalanda

Dharmbir Kumar Son Of Laxmi Prasad R/O Village- Kachhariya, P.S.-
Chandi, District- Nalanda

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Anil Kumar Singh, Advocate
For the Opposite Party/s : Mr.Sanjay Kumar Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 12-08-2022 Heard learned counsel for the petitioner and learned
APP for the State in Virtual Court Proceeding.

Let the defect(s), if any, as pointed out by the
office, be removed within four weeks.

The petitioner is in custody in connection with
Hilsa P.S. Case No. 669 of 2021 under section 379 of the Indian
Penal Code.

As per the allegation in the FIR, the informant has
alleged that he parked his Pulsar motorcycle in the premises of
Advocate clerk's campus, Hilsa and went to the Court to make
his 'Pairvi'. However, when he returned at 3 o'clock in the
afternoon, the motorcycle was missing. As he failed to locate his
motorcycle, the FIR was lodged. Subsequently, upon secret
information, the police raided the house of Jodhan Ram and



recovered/seized two motorcycles. On further information, the house of the petitioner herein was raided and one Splendor motorcycle was recovered/seized.

Learned counsel for the petitioner submits that as per the FIR, the stolen motorcycle was a Pulsar motorcycle whereas the recovery/seizure from his house is Splendor motorcycle. He submits that the petitioner had purchased the said motorcycle without knowing about the fact that it too may have been stolen. He submits that for the alleged said act, he has already suffered by being in jail since 7.3.2022 (as stated in para-11 of the bail application).

Taking into account the fact that so far as this case is concerned, the informant has alleged that his Pulsar motorcycle has been stolen, the recovery from the house of the petitioner is Splendor motorcycle which according to the petitioner he had purchased considering it to be genuine one, he is in custody since 7.3.2022 as stated in para-11 of the bail application, charge-sheet stands submitted, his Court is inclined to grant him the privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Additional Chief



Judicial Magistrate, Hilsa, in connection with Hilsa P.S. Case No. 669 of 2021 subject to the following conditions:

(i) one of the bailors should be the family members of the petitioner, who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reasons will entail his cancellation of bail by the Trial Court itself;

(iii) he shall appear before the concerned police station every fortnight for next six months to mark his presence;

(iv) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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