

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29658 of 2022

Arising Out of PS. Case No.-136 Year-2022 Thana- ARWAL District- Jehanabad

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1. Md. Shamsheer S/o Md. Salam Sahbu Resident of Dehri On Sone, P.S.- Dehri, District- Rohtas
 2. Md. Salim S/o Md. Salam @ Sahbu Resident of Dehri On Sone, P.S.- Dehri, District- Rohtas

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Shyam Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 05-09-2022 Heard learned counsel for the petitioners and learned
APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioners seek bail in connection with Arwal P.S. Case No. 136 of 2022 registered for the alleged offences under Sections 379 and 414 of the Indian Penal Code.

As per prosecution case, the petitioner no. 2 was found riding a stolen motorcycle and he disclosed that the petitioner no. 1 has purchased this motorcycle from one Md.



Ekram for consideration amount of Rs. 10,000/-.

The learned counsel for the petitioners submits that the petitioners have been falsely implicated in this case and it is apparent from the FIR that motorcycle was purchased by petitioner no. 1 from one Ekram. Although the motorcycle was recovered from the possession of petitioner no. 2 as it appears from FIR, but the seizure list has been handed over to the petitioner no.1 and the seizure list does not show recovery from either of the petitioners. No stolen articles have been recovered from possession of the petitioners and they have no concern with the seized motorcycle. The petitioners are in custody 24.03.2022 and charge-sheet has been submitted. The petitioners are having no criminal antecedent.

Learned APP opposes the prayer for bail submitting that petitioners were found in possession of stolen motorcycle for which Bikramganj P.S. Case No. 367 of 2021 has been registered under Section 379 of the Indian Penal Code.

Having regard to the submissions made on behalf of the parties and considering the submission of charge-sheet along with the period of the custody of the petitioners, who are having clean antecedent, they are directed to 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, Arwal in connection with Arwal P.S. Case No. 136 of 2022, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relatives of the petitioner.
- (ii) The petitioners will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioners will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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