

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40619 of 2021**

Arising Out of PS. Case No.-168 Year-2020 Thana- FULKAHA District- Araria

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Ajoy Paswan @ Ajoy Kumar Son of Lalan Paswan Resident of Village-
Madhura North Ward No.02, Police Station- Fulkaha, District- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Rana, Advocate.

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

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

2 07-06-2022 Heard Mr. Mukesh Kumar Rana, learned counsel for
the petitioner and Mr. Narendra Kumar Singh, learned
Additional Public Prosecutor for the State.

Learned counsel for the petitioner is permitted to
remove defect(s), as pointed out by the office, if any, within a
period of four weeks from today.

The petitioner apprehends his arrest in connection
with Fulkaha P. S. Case No. 168 of 2020 registered for the
offences punishable under Sections 413, 414 and 420 of the
Indian Penal Code.

As per the prosecution case, it is alleged that on
24.12.2020 while the police personnel were on patrolling duty,
two persons riding on a motorcycle, on seeing the police party,



they fled away and thereafter, they have been identified as Raman Poddar and Ajay Paswan. It is also alleged that they were carrying a sack on their motorcycle. It is further alleged that one other person, who was riding another motorcycle also tried to flee away but he lost his balance and fell down, the apprehended person disclosed his name as Mukesh Kumar Mehta and from his possession one mobile phone and one motorcycle, on which he was trying to flee away were seized.

At the outset, learned counsel for the petitioner submits at the bar, on the instruction of his client, that as per his information till date the process under Sections 82/83 of the Cr.P.C. have not been issued.

Learned counsel appearing on behalf of the petitioner submits that nothing has been recovered from the person or possession of this petitioner nor he was arrested at the spot. The prosecution story appears to be suspicious as it is difficult to recognize a person who is riding a motorcycle unless he is acquainted from earlier. It is next submitted that even as per the allegations leveled in the F.I.R., no case under Sections 413, 414 and 420 of the Indian Penal Code is made out against this petitioner in as much as during the course of investigation the apprehended person has stated that the alleged stolen



motorcycle recovered from his possession has been given to him by co-accused Raman Poddar and not by this petitioner. It is lastly submitted that though the petitioner has been made accused in one similar kind of case but he has been granted bail by the court below itself.

On the other hand, learned Additional Public Prosecutor for the State opposes the bail application and submits that the petitioner has been recognized by the police party and the co-accused persons disclosed the complicity of this petitioner.

Having considered the submissions made on behalf of the parties and taking into account the fact that the petitioner is neither arrested at the spot nor any incriminating material has been recovered from his possession, apart from the fact that even during the course of investigation, no material has been found which suggests the complicity of this petitioner in the present crime, let the petitioner, above named, be released on bail, in the event of his arrest or surrender before the Court below within a period of eight weeks from today, on furnishing bail bonds of Rs. 20,000/ (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Araria in connection with Fulkaha



P. S. Case No. 168 of 2020, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure with following conditions:-

- (i) One of the bailors should be the close relative of the petitioner.
- (ii) The petitioner will co-operate in the investigation as well as in conclusion of the trial.
- (iii) He will not try to tamper with the evidence or intimidate the witnesses in course of investigation or during the course of trial.

(Harish Kumar, J)

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