

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32799 of 2022

Arising Out of PS. Case No.-326 Year-2020 Thana- TARAIYA District- Saran

Rajiv Pratap Singh Son of Ram Lochan Singh @ Ram Laxman Singh
Resident of Village - Hathisar, P.s.- Gaura, Distt.- Saran (Chapra).

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Ms. Asha Devi, A.P.P

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 02-09-2022 Heard Mr. Mukesh Kumar Singh learned counsel
appearing on behalf of the petitioner and Ms. Asha Devi
learned A.P.P. for the State.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

The petitioner seeks regular bail in connection with
Taraiyan P.S. Case No. 326 of 2020, for the offence punishable
under Sections 412,413 and 120B of the Indian Penal Code.

The prosecution case, in brief, is that one tractor with
loaded sand on the trailer belonging to the informant was stolen
by some unknown miscreants and relating to the said incidence
Marhowrah P.S case no 793 of 2020 was registered. In course of
investigation made by the investigating officer relating to the
said case, recovery of a vehicle was made from co-accused



Sanjay Pandit and Harilal Sharma. The petitioner is named in the F.I.R.

Learned counsel appearing on behalf of the petitioner submits that the it is not a case in which petitioner has made his confession which led to the recovery. The petitioner has been made accused in the present case due to enmity with the informant of Marhowrah P.S case no 793 of 2020, in which the petitioner has already been released on bail vide order dated 11.05.2022 passed in Criminal Miscellaneous no 45844 of 2021. So far as the recovery of tractor with trailer is concerned the same has been seized from the house of co-accused Sanjay Pandit and Harilal Sharma. It is not the specific case that the petitioner after stealing the vehicle mentioned in the F.I.R he had sold it to the accused persons from whom possession the tractor and the trailer were recovered. Petitioner is in custody in connection with Marhowrah P.S case no 793 of 2020 and in this case which was lodged subsequent to the said case. The petitioner was remanded in the present case on 25.03.22. The petitioner had clean antecedent.

Ms. Asha Devi, learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner and submitted that there is direct allegation against the petitioner



under Sections 412, 413 of the Indian Penal Code and as such there is every likelihood that the petitioner had sold the stolen vehicle to the accused persons from whom possession the tractor and the trailer were recovered. The petitioner is a habitual and as such he does not deserve to be released on bail.

Taking into consideration the nature of allegation made against the petitioner prima facie petitioner has made out a case that no recovery of either tractor or trailer has been made from the possession of the petitioner. The recovery has been shown from two other co-accused. The petitioner has remained in custody since 25.03.22. After his remand in the present case which is subsequent to the Marhowrah P.S case no 793 of 2020 in which the petitioner has already been released on bail vide order dated 11.05.22 passed in Criminal Miscellaneous no 45844 of 2021. The Chargesheet has already been submitted, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs. 25000/- (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate -1, Saran at Chapra in connection with Taraiyan P.S. Case No. 326 of 2020, subject to the following conditions:-

- (1) Bailors should be local having sufficient



immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

(5) The court below is directed to verify the criminal antecedent of the petitioner and if it is found that the petitioner is involved in some other cases as what has been stated in paragraph No.3 of the bail application, this order will automatically loose its force.

(Purnendu Singh, J)

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