

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42675 of 2021

Arising Out of PS. Case No.-126 Year-2021 Thana- KUCHAIKOTE District- Gopalganj

MUNNA GUPTA @ CHHOTELAL Son of Late Asharfi Sah Resident of
Village - Rampur Chithai, P.S. - Jamo Bazar, District - Siwan, Presently
residing at village Chainpatti, P.S.- Gopalganj Town, District - Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vyas Kumar Mishra, Advocate.

For the Opposite Party/s : Mr. Sanjay Kumar Pandey, APP.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 01-02-2022 Heard the parties through video conferencing.

Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. for the State.

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

The petitioner, who is in custody since 27.04.2021,
seeks regular bail in connection with Kuchaikote P.S. Case No.
126 of 2021 for the offence punishable under Section 379 of the
Indian Penal Code.

The prosecution case, in brief, is that the Scorpio
bearing Registration No. BR 05 PA 7461 was stolen in the night
of 22.03.2021 from the house of the friend of the informant and
F.I.R. was lodged. The recovery of the said vehicle has been



shown from the house of the present petitioner.

Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and he has falsely been implicated in this case. He further submits that the very story of the alleged seizure from the house of the petitioner is not supported by the seizure list which appears to have been drawn up at the police station and it loses its validity in absence of any independent witness to the seizure as well as it has not been handed over to any of the family members of the petitioner who were present in their house though the seizure has been stated to have been effected at the house of the petitioner. Learned counsel further submits that the confessional statement of the petitioner in the police custody has no evidentiary value nor any details has been produced in evidence with respect to the alleged mobile phone in absence of any CDR report to confirm the fact that the theft of the said vehicle was committed by the petitioner. Petitioner is in custody since 27.04.2021.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner. He further submits that as per the statement made in Para-3 of the bail petition, petitioner has been made accused in more than dozen cases and as such the complicity of the petitioner in the present case cannot be denied.



Moreover from the very perusal of the F.I.R., it appears that the vehicle was recovered from the house of the petitioner. Hence the petitioner does not deserve to be released on bail.

Considering the aforementioned facts and circumstances of the case, period of custody as well as the fact that the seizure list was not handed over to any of the family members of the petitioner to confirm the fact that the alleged vehicle was recovered from the house of the petitioner, name of the petitioner has transpired during investigation, petitioner has been arrested in this case on his confessional statement in the police custody and there is no allegation of tampering with the evidence or influencing the witnesses, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned ACJM-VII, Gopalganj in connection with Kuchaikote P.S. Case No. 126 of 2021, with a condition that the petitioner will make his attendance every day at 9 AM before the concerned police station where he resides till conclusion of the trial and the concerned SHO of the police station shall submit his monthly attendance report to the Superintendent of Police, Gopalganj. In case of single default on the part of the petitioner, his bail bonds



shall be cancelled and other terms and conditions as fixed by the
court below.

(Purnendu Singh, J)

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