

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35141 of 2022

Arising Out of PS. Case No.-443 Year-2021 Thana- JOGAPATTI District- West Champaran

MANOJ KUMAR DUBEY SON OF BHARAT DUBEY Resident of Village-
Nepura Ward No. 4 , P.S.- Darauli, District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Pandey, Advocate

For the Opposite Party/s : Mr.Md. Anbzarul Haque Sahara, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 17-10-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within

one month.

Heard learned counsel for the petitioner and the State.

Petitioner seeks regular bail in Yogapatti (Shanichary) P.S.

Case No. 443 of 2021 registered for the offence punishable

under section 379 of the Indian Penal Code.

As per the allegation the informant's Bolero vehicle

was stolen away from his house by unknown accused persons.

The main submissions advanced by learned counsel

Shri Ajay Kumar Pandey appearing for the petitioner are that the

FIR was lodged against unknown persons and during the course

of investigation the petitioner was remanded in the instant case

on the basis of suspicion and after his remand police failed to

recover the stolen vehicle and the prosecution case is mainly based upon the statement of co-accused given before the police and against the petitioner investigation has been completed. Further submission is that there are criminal antecedent of seven cases against the petitioner and he has been granted bail in three cases out of the said criminal antecedent cases and in most of the cases petitioner is not named in the FIR and he has been languishing in jail since 16.04.2022.

Shri Md. Anbzarul Haque Sahara, learned APP appearing for the State has opposed the prayer for bail.

Heard both the sides and perused the FIR and the case diary of this case. The FIR has been registered against unknown persons and there is no eye-witness of the alleged occurrence of theft and the case diary goes to show that the prosecution is mainly placed reliance upon the statement of co-accused Ramashis Kumar, Gulshan Kumar and the petitioner given before the police and it does not appear that the police succeeded to recover the stolen vehicle on the basis of any information provided by this petitioner during the course of interrogation and some witnesses mentioned in paragraph 111, 112 and 113 have only raised suspicion against the petitioner. The investigation has been completed against the petitioner.

In view of these discussed facts as well as materials appearing against the petitioner from the case diary, in the opinion of this Court the petitioner deserves to a lenient approach of this Court.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the C.J.M., West Champaran, Bettiah in Yogapatti (Shanichary) P.S. Case No. 443 of 2021.

(Shailendra Singh, J)

Hassan/maynaz/-

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