

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39119 of 2022**

Arising Out of PS. Case No.-98 Year-2021 Thana- KAHALGAON District- Bhagalpur

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SANJEEV KUMAR SON OF SUNIL URANV RESIDENT OF VILLAGE-
GANGULDAI, P.S.- KAHALGAON, DISTRICT- BHAGALPUR.

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rajive Ranjan Singh

For the Opposite Party/s : Mr.Satyendra Prasad

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**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER**

2 14-11-2022 Let the defect(s), as pointed out by the office, be

removed within a period of four weeks from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with
Kahalgaon P.S. Case No. 98/2021 registered for the offences
punishable under Sections 374, 414 & 34 of the Indian Penal
Code.

As per prosecution case, on 07.02.2021 the informant
parked his motorcycle near bus stand and went for saving. After
sometimes, he saw that a boy alongwith another boy were
taking away his motorcycle. The informant raised alarm with
the help of nearby people, the petitioner and other were
apprehended with motorcycle in question.



Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case due to high handness of the police official. The petitioner is languishing in custody since 08.02.2021 and bears no criminal antecedent. The petitioner was a vendor of the aforesaid place when he was requesting to remove the motorcycle in this regard and some dispute has been arisen, then, petitioner and other falsely dragged in this case. He further submits that from bare perusal of the FIR itself, it appears that for alleged recovery production cum seizure list was made, hence, no case of section 379 of the I.P.C. is made out against the petitioner.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, argument advanced on behalf of both sides and keeping in view clean antecedent of petitioner and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Bhagalpur in connection with Kahalgaon P.S. Case No. 98/2021, subject to following conditions:-



(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

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

(Alok Kumar Pandey, J)

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