

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38917 of 2022

Arising Out of PS. Case No.-186 Year-2022 Thana- KAHALGAON District- Bhagalpur

Uday Tanti Son of Late Ganesh Tanti R/O Village- Padampur, P.S.-
Kahalgaon, District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajive Ranjan Singh, Advocate

For the Opposite Party/s : Mr.Satyendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 16-12-2022 Heard learned counsel for the petitioner and learned
APP for the State through video conferencing.

In the present case, the petitioner seeks bail in connection with Kahalgaon P.S. Case No. 186 of 2022 registered for the alleged offences under Sections 413 and 414 of the Indian Penal Code.

As per prosecution case, police received information about the petitioner selling stolen motorcycles. A raid was conducted and from the vacant land of the petitioner lying behind his house, four motorcycles in dismantled stage were recovered and seized. The petitioner was apprehended from the spot.

The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this



case. There is no allegation of theft against this petitioner so no offence under Section 379 of the IPC is made out against him. The alleged recovery was made from an open place and not from the conscious possession of the petitioner or from his house. There is non compliance of Section 100(4) of Cr.P.C.. The petitioner is in custody since 06.03.2022 and charge-sheet has been submitted. The petitioner has got no criminal antecedent.

Learned APP opposes the prayer for bail submitting that the petitioner is involved in sale and purchase of stolen properties.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the period of custody of the petitioner along with the submission of charge-sheet, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhagalpur, in connection with Kahalgaon P.S. Case No. 186 of 2022, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of



the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the court below.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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