

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40513 of 2022

Arising Out of PS. Case No.-215 Year-2022 Thana- RAXAUL District- East Champaran

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RITESH KUMAR GUPTA S/o Rajendra Sah @ Gajendra Prasad @ Gajendra Prasad Gupta R/o Mishra Colony, Duncun Road, Ward No. 04. Raxaul, P.S.- Raxaul (Haraiya O.P.), District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Abhishek Kumar, Advocate

For the Opposite Party/s : Mr.Bal Mukund Prasad Sinha , APP

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 14-10-2022 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 through Video Conferencing.

Petitioner seeks regular bail in Raxaul (Haraiya O.P.) P.S. Case No. 215 of 2022 registered for the offences punishable under sections 413, 414, 420, 467, 468 and 471 of the Indian Penal Code.

As per the allegation, the petitioner persuaded informant to purchase one motorcycle and in the effect of that persuasion informant paid Rs. 10,000/- as an advance money and thereafter informant's son went to the house of petitioner to

make inquiry with regard to the said motorcycle and after the inquiry he found that the petitioner had two motorcycles in his house and both bearing the same registration number which was registered in the name of petitioner's father and accordingly, in the light of these facts the informant suspected the alleged motorcycle to be stolen.

The main submissions advanced by learned counsel Shri Abhishek Kumar appearing for the petitioner are that as per the allegations made in the FIR the alleged act of the petitioner mainly comes under the purview of attempt of cheating as well as attempt of other alleged offences, the alleged offence of 413 of Indian Penal Code is not made out in the present matter as the petitioner has not been found habitual in committing the alleged offence and moreover, the petitioner has been languishing in jail since 03.05.2022 and against him investigation has been completed.

Shri Bal Mukund Prasad Sinha, learned APP appearing for the State has opposed the prayer for bail.

In view of the above submissions and mainly considering the petitioner's clean antecedent, his custody period and as per the above submission the investigation has been completed in respect of the petitioner and his case appears to be

at the initial stage, 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 S.D.J.M., Raxaul at Motihari, East Champaran, in Raxaul (Haraiya O.P.) P.S. Case No. 215 of 2022.

(Shailendra Singh, J)

Hassan/maynaz/-

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