

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53986 of 2021

Arising Out of PS. Case No.-159 Year-2018 Thana- INDUSTRIAL District- Bhagalpur

VIVEK SAH, SON OF SATYA NARAYAN SAH RESIDENT OF
VILLAGE- BHOJPUR BALUWA, TERHAGACHH P.S-TERHAGACHH
DISTRICT- KISHANGANJ

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajeev Ranjan

For the Opposite Party/s : Mr. Sangeeta Sharma

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 06-06-2022 Heard the learned counsel for the petitioner and

the State.

The present petition has been filed on behalf of the

petitioner, namely, Vivek Sah, apprehending his arrest, in

connection with Industrial Area P. S. Case No. 159 of 2018,

registered for the offence punishable under Section 379 of

the Indian Penal Code.

The prosecution story in brief is that the informant,

who is a student of Engineering, has alleged that when he

was sleeping, his mobile, laptop, watch and cash of Rs.

25,000/- was stolen by one Raji.

The learned counsel for the petitioner has



submitted that the petitioner is not named in the F.I.R. He further submits that nothing has been recovered from the conscious possession of the petitioner. He has also submitted that his name has emerged during the course of investigation as using the stolen property. The learned counsel for the petitioner submits that he was not aware that the mobile was stolen one because he had purchased the same. He further submits that the petitioner has been made accused in this case only on the basis of suspicion.

It is also stated in paragraph no. 2 of the petition that no similar petition has been earlier filed by the petitioner either before this Court or before Hon'ble Apex Court.

It has further been stated that the petitioner has been made accused in a case instituted for offence punishable under Sections 323, 353, 504, 506 and 34 of the Indian Penal Code, bearing Terhagach P. S. Case No. 27 of 2020.

However, the learned APP for the State has opposed the prayer for bail.

Considering the afore-stated facts and



circumstances, the petitioner, above-named, is directed to be released on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Ld. Chief Judicial Magistrate, Bhagalpur, in connection with Industrial Area P. S. Case No. 159 of 2018, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and on the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioner has criminal antecedent other than the disclosed one, the learned court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedent despite his knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioner.



The application stands allowed accordingly.

The learned counsel for the petitioner is directed to remove all the defects pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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