

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57978 of 2021

Arising Out of PS. Case No.-216 Year-2021 Thana- PATLIPUTRA District- Patna

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Jhunnu Kumar @ Fullu Kumar, S/O Koleshwar Yadav @ Tuntun Yadav @
Kauleshwar Yadav, R/O Village-Sewari Nagar, P.S-Rupaspur, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Udai Shankar Singh, Advocate

For the Opposite Party/s : Md. Matloob Rab, APP

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CORAM: HONOURABLE MR. JUSTICE A. M. BADAR

ORAL ORDER

4 23-02-2022 The applicant is given out of turn hearing on account
of death of child of the applicant.

The applicant is an accused in Crime No. 216 of 2021 registered with Patliputra Police Station for the offences punishable under Section 414 of the Indian Penal Code, by this application is seeking his release on bail during pendency of the trial.

Heard the learned counsel appearing for the applicant/accused. He argued that for theft of the subject motorcycle he is being prosecuted in Crime No. 78 of 2021 registered with Khagaul P. S. for the offence punishable under Section 379 of the Indian Penal Code and so far as the present crime is concerned, there is no iota of evidence against the applicant. The investigation of the subject crime is over.



The learned Additional Public Prosecutor opposed the application by contending that the applicant was taking the stolen motorcycle for selling it out to one Afroj and during that journey he was caught red handed by the police.

I have considered the submissions so advanced and also perused the material placed before me.

As stated by the learned counsel for the applicant, it appears that for stealing the motorcycle involved in the instant crime he is being prosecuted vide Crime No. 78 of 2021 registered with Khagaul P.S. for the offence punishable under Section 379 of the Indian Penal Code. So far as the instant crime is concerned, the prosecution has invoked Section 414 of the Indian Penal Code which deals with assisting in concealment of the stolen property. If the FIR is seen then according to the prosecution case, the applicant along with two pillion riders was found to be driving the subject motorcycle and during the course of that journey he was intercepted by the police.

Prima facie there is no element of concealment of the stolen property. Investigation of the subject crime is over and therefore I see no reason to refuse bail to the applicant. Hence, the order :-



i. The application is allowed.

ii. The applicant/accused in Crime No. 216 of 2021 registered with Patliputra Police Station be released on bail on executing P.R. bond of Rs.10,000/- (Rupees Ten Thousand) on furnishing surety of the like amount to the satisfaction of the trial court with the following conditions: -

(I) The applicant/accused should not extend any threat, promise of inducement to the persons acquainted with the facts of the accusation against him so as to dissuade him from disclosing such facts to the Court or to any police officer.

(II) The applicant/accused should cooperate the trial court in expeditious disposal of the trial against him.

(III) The applicant/accused should not contact the members of the prosecuting party as well as witnesses in this case in any manner till conclusion of the trial.

(IV) The applicant should not repeat commission of similar offence in future and if he is found to be involved in commission of similar offence, the State is at liberty to apply for cancellation of bail granted to the applicant in the instant case.

The applicant to remove all office objections forthwith and the Registry to issue the certified copy of this



order only after removal of office objections by the
applicant/accused.

(A. M. Badar, J)

Bhardwaj/-

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