

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62064 of 2021

Arising Out of PS. Case No.-275 Year-2021 Thana- LALGANJ District- Vaishali

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Sujit Kumar @ Sujit Kumar Pathak S/O Ramadhar Pathak R/O Village-
Kataru, P.S-Paru, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mrs. Archana Sinha, Advocate

For the Opposite Party/s : Mr. Raj Ballabh Singh, APP

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CORAM: HONOURABLE MR. JUSTICE A. M. BADAR

ORAL ORDER

3 09-02-2022 The applicant/accused is given out of turn hearing
for the reason that father of the applicant is ill.

The applicant/accused in Crime No.275 of 2021
registered with Lalganj Police Station for the offence 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 as well as learned Additional Public
Prosecutor appearing for the State.

It is case of the prosecution that on receipt of secret
information that applicant has come to the house of his relative
with stolen motorcycle, a raid was conducted and the applicant
was found to have come out of the house of one Manoj Bihari
Tiwary. It is further alleged by the prosecution that a



motorcycle came to be seized from the spot of the incident and the applicant had failed to produce necessary documents in respect of that motorcycle.

The prosecution has invoked provisions of Section 414 of the Indian Penal Code. The basic ingredient of Section 414 of the Indian Penal Code is the accused having “reason to believe” that the property is stolen property. Reason to believe is something more than a prima facie case. Views from this angle, the FIR is conspicuously silent regarding belief of the applicant on the yardstick of the prudent person.

Be that as it may, the investigation of the subject crime is over and the applicant is behind bar since the date of registration of the FIR. Hence, I see no reason to refuse bail to him, particularly considering nature of evidence against him, and therefore, the order :-

i. The application is allowed.

ii. The applicant/accused in Crime No. 275 of 2021 registered with Lalganj 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)

Mkr./-

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