

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 65032 of 2021**

Arising Out of PS. Case No.-109 Year-2021 Thana- ISUAPUR District- Saran

ABHIMANYU SINGH Son of Arjun Singh Resident of Bangra, P.S. Isuapur,
District - Saran at Chapra.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Dewendra Narayan Singh, Advocate
For the Opposite Party/s : Mr Abhay Kumar, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 **15-04-2022** Heard learned counsel for the petitioner and learned Additional Public Prosecutor (for brevity, *APP*) appearing for the State of Bihar.

The petitioner seeks bail in Isuapur Police Station (for brevity, *PS*) Case No 109 of 2021 instituted for the offence punishable under Sections 413, 414, 467, 468 of Indian Penal Code.

There is allegation that petitioner, along with two others, were indulging in dealing of a white coloured Scorpio vehicle and on such information, police has reached the place of occurrence from where the petitioner and others have fled away. They have been identified by the local *chaukidar*.

Learned counsel for the petitioner submits that the



vehicle in question was not stolen. Till date, there is no information or complaint regarding the said vehicle being stolen. In fact the same stands registered in the name of one Jai Narayan Singh Solanki. After his demise, his son Uma Kant Singh sold the vehicle in question, based on a sale deed (Annexure 4), in favour of one Santosh Kumar Singh. Petitioner is driver of said Santosh Kumar Singh and, in such circumstances, has become the victim of circumstance. It is stated in the application that the petitioner is on bail in Isuapur PS Case No 151 of 2021, which is pending against him for alleged offences under the Bihar Prohibition and Excise Act. Petitioner is stated to be in custody in this case since 07.08.2021.

The learned APP has opposed the prayer for bail. It is submitted that the petitioner has been identified by the local *chaukidar*.

Considering the rival submissions, the material placed on record in support of sale of the vehicle and the submission that there is no First Information Report or complaint lodged alleging that the vehicle in question was ever stolen, coupled with the petitioner's period of custody, this Court is inclined to accept the submission of the petitioner's counsel for the



purposes of grant of bail.

Having regard to the aforesaid facts, prayer for bail is allowed. Let the petitioner, above named, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Sub Divisional Judicial Magistrate, Saran at Chapra in Isuapur PS Case No 109 of 2021 subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant proceedings today for depositing requisite Court fee and removing the defect (s), as pointed out, when called upon to do so.

(Madhuresh Prasad, J)

M.E.H./-

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