

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 65016 of 2021**

Arising Out of PS. Case No.-594 Year-2020 Thana- BEGUSARAI MUFFASIL District-
Begusarai

=====

GAURAV KUMAR S/o Rajaram Singh @ Khakho Singh R/o village- Sihma,
P.S.- Matihani, District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr Shashank Shekhar, Advocate
For the Opposite Party/s : Mr Jitendra Kumar Singh, 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 Mufassil (Lakho) Police
Station (for brevity, *PS*) Case No 594 of 2020 dated 27.11.2020
instituted originally for the offence punishable under Section
379 of Indian Penal Code (for brevity, *IPC*) but charge sheet has
been submitted under Sections 379, 411 of IPC.

Since 09.08.2021, the petitioner is stated to be in
custody. The First Information Report (for brevity, *FIR*) alleges
that the informant's motorcycle has gone missing while it was
parked in a market.

Learned counsel for the petitioner submits that the



petitioner is not named in the FIR which has been lodged against unknown persons. Earlier implication in four cases has led to his false implication in the instant case. During investigation, there is alleged recovery of stolen motorcycle from near the petitioner's house which fact is denied and disputed by the petitioner by making submission that the engine and chassis number of the recovered motorcycle does not tally with the motorcycle of the informant, allegedly stolen.

The learned APP has opposed the prayer for bail. It is submitted that during investigation, the stolen motorcycle has been recovered from the house of the petitioner and not near his house and, therefore, the petitioner has rightly been implicated in this case and does not deserve bail.

Considering the rival submissions, nature of allegations and period of custody since 09.08.2021, 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 Chief Judicial Magistrate, Begusarai in Mufassil (Lakho) PS



Case No 594 of 2020 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./-

U		T	
---	--	---	--

