

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69979 of 2021

Arising Out of PS. Case No.-45 Year-2021 Thana- UPHARA District- Aurangabad

TIJU KUMAR Son of Nawlesh Ram @ Navlesh Ram Resident of Village -
Mahadipur, P.S.- Uphara, Dist.- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Santosh Chandra, Adv.
For the State	:	Mr. Ashok Kumar, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 09-05-2022 Heard the learned counsel for the petitioner
and the learned APP for the State, Sri Ashok Kumar.

The petitioner seeks regular bail in connection with Upahara P.S. Case No. 45 of 2021, registered for the offence punishable under Sections 379 and 34 of the Indian Penal Code.

The allegation is regarding the informant having gone to the market and on the way, he had parked his Glamour motorcycle on the side of the road and gone to attend call of nature, however, when he came back, he saw two accused persons including the petitioner herein, fleeing away with his motorcycle, after breaking its lock.



The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case, he is having a clean antecedent and he is languishing in custody since 19.8.2021. The learned counsel for the petitioner has further submitted that the stolen motorcycle has not been recovered from the petitioner, but from one other person, namely, Vikash Kumar, hence, the petitioner is not having any complicity in the matter.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials available on record as also considering the period of incarceration of the petitioner herein as also the fact that the petitioner is having a clean antecedent and the stolen motorcycle has not been recovered from the possession of the petitioner, I deem it fit and proper to direct for



release of the petitioner on regular bail.

Accordingly, the above named petitioner is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M, Daudnagar, District- Aurangabad in connection with Uphara P.S. Case No. 45 of 2021.

(Mohit Kumar Shah, J)

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