

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57509 of 2022

Arising Out of PS. Case No.-546 Year-2021 Thana- JAHANABAD District- Jehanabad

Raj Kumar Prasad, Son of Sukhdeo Yadav, R/V- Jagdhar, P.S- Tekari, Dist-
Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amrit Abhijat, Advocate

For the Opposite Party/s : Mr.Gauri Shankar Gupta, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 21-12-2022 This petition has been taken up for out of turn hearing on a supplementary affidavit being moved on behalf of the petitioner that the wife of the petitioner has been diagnosed severe abnormalities and the doctor has referred her to the P.M.C.H, Patna for further investigation and there is no male member in the family who can take the wife of the petitioner to P.M.C.H, Patna.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

In the present case, the petitioner seeks bail in connection with Jehanabad P.S. Case No. 546 of 2021, registered for the alleged offences under Section 379 of the Indian Penal Code.

As per prosecution case, the informant sold her



motorcycle to one Ashok Kumar, but due to pandemic of Covid-19, the documents could not be transferred in his name and the motorcycle was stolen from the house of said Ashok Kumar. The FIR was lodged against unknown. The petitioner was found traveling by the said stolen motorcycle with illicit liquor for which Tekari P.S. Case No. 494 of 2021 has been registered under Section 30 (a) of Bihar Prohibition and Excise Act.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner is not named in the FIR. The seizure list does not show that the stolen motorcycle was recovered from the possession of this petitioner. Nothing has come on record to show that the petitioner has committed theft of motorcycle or was associated in any manner with the theft of the said motorcycle. The petitioner is in custody since 18.07.2022 and the charge sheet has been submitted.

Learned A.P.P. opposes the prayer for bail submitting that the petitioner was caught red handed with the stolen motorcyce.

Having regard to the submissions made on behalf of the parties and considering the submission of charge sheet along with the period of custody of the petitioner, he is directed to be



released on bail on furnishing bail bond of Rs.20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Jehanabad, in connection with Jehanabad P.S. Case No. 546 of 2021 of 2022, subject to the conditions mentioned in Section 437 (3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

V.K.Pandey/-

(Arun Kumar Jha, J)

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