

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15328 of 2023

Arising Out of PS. Case No.-1173 Year-2022 Thana- KHAJANCHI HAT District- Purnia

Shubham Kumar S/O Shyam Mallick @ Pramod Mallick R/o- Khunda, ward
No. 05, P.S.- Rautara, District- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Singh, Advocate

For the Opposite Party/s : Mr. Ganesh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 15-05-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner seeks bail in connection with K.Hat, Maranga P.S. Case No. 1173 of 2022 registered on 05.11.2022 for the alleged offences under Sections 401, 413, 414, 379 and 411 of the Indian Penal Code and Section 25(1-b)a/26/35 of the Arms Act.

3. As per prosecution case, police received a secret information about storage of stolen/looted motorcycles in the house of the co-accused Rahul Kamti. A raid was conducted and three co-accused persons were apprehended and from their possession apart from a loaded country made pistol ten looted motorcycles and other ancillary articles were recovered. Co-accused Rahul Kamti disclosed the name of the petitioner who



purchased a stolen motorcycle from him. Further, raid was conducted in the house of the petitioner and stolen motorcycle and a mobile phone was seized.

4. Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. From the FIR, it is clear that petitioner has no role in stealing or robbing of the motorcycle. The petitioner was having no knowledge about the stolen motorcycle which he purchased from co-accused. Moreover, recovery of stolen motorcycle was made from the courtyard of the house of the petitioner and not from his possession. The petitioner is in custody since 05.11.2022 and charge-sheet has been submitted. The petitioner has got no criminal antecedent.

5. Learned APP opposes the prayer for bail submitting that stolen motorcycle with a mobile phone were recovered from the house of this petitioner.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the clean antecedent of the petitioner and further considering his period of custody and the submission of charge-sheet against him, the petitioner above named 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 court of Chief Judicial Magistrate, Purnia/court concerned in connection with K.Hat, Maranga P.S. Case No. 1173 of 2022, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and 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.

(Arun Kumar Jha, J)

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