

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19349 of 2023

Arising Out of PS. Case No.-236 Year-2022 Thana- KURTHA District- Jehanabad

Rohit Kumar S/O- Santosh Kumar Village- Bharatpur Ps- Dulhin Bazar, Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dinesh Jha, Advocate.

For the Opposite Party/s : Mr. Nand Kumar, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 12-06-2023 Heard Mr. Dinesh Jha, learned counsel for the petitioner and learned APP for the State.

The Petitioner is apprehending his arrest in connection with Kurtha (Manikpur) P.S. Case No.236 of 2022 registered for the offences punishable under Sections 414, 34 of the Indian Penal Code.

It is alleged that in course of vehicle checking the police intercepted two motorcycles whereupon five persons were boarded, however, on noticing the police personnel two of them allegedly fled away, whose names were disclosed by the apprehended persons. The petitioner is said to be one of the persons who succeeded in fleeing away.

Learned counsel appearing on behalf of the petitioner submits that from the FIR, it is evident that the alleged stolen



motorcycles were recovered from the possession of three of the accused persons, who were apprehended by the police and thereafter during the course of investigation it has been found that the owner of the recovered two motorcycles were one Mithilesh Kumar and Dheeraj Kumar, however, no FIR has been brought on record suggesting that both the persons have instituted any case with regard to the theft of their motorcycles and as such no case is made out under Section 414 and 34 of the Indian Penal Code. He further submits that from the seizure list it is evident that the vehicles were seized in the premises of Manikpur O.P. and there are other discrepancies in it. He lastly submits that the petitioner is a man of fair antecedent, and he is giving undertaking before the Court that he will fully cooperate in the investigation and will not indulge in tempering with the evidence.

On the other hand learned APP for the State vehemently opposes the bail application.

Regard being had to the submissions made on behalf of the parties and considering the fact that the prosecution has not come up with the case that the motorcycles were stolen property, coupled with the fair antecedent of the petitioner and certain other discrepancies in the preparation of the seizure list,



let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Sub-Divisional Judicial Magistrate, Arwal, District Jehanabad in connection with Kurtha (Manikpur) P.S. Case No.236 of 2022, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Harish Kumar, J)

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