

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31534 of 2023

Arising Out of PS. Case No.-2 Year-2023 Thana- BIHARIGANJ District- Madhepura

1. Vivek Kumar Son of Ashok Kumar Yadav Resident of village - Shishba, ward no. 2, P.S. - Barhara Kothi, Distt. - Purnea
2. Avrendra Kumar Son of Chandeshwari Yadav Resident of village - Shishba, ward no. 2, P.S. - Barhara Kothi, Distt. - Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Dr. Sanjay Kumar Singh, Advocate

For the Opposite Party/s : Mr. Akbar Ali, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 20-06-2023 Heard learned counsel appearing on behalf of the petitioners and learned counsel appearing on behalf of the State.

The petitioners seek bail in connection with Bihariganj P.S. Case No. 02of 2023 registered for the offence under Sections 379 and 506 of the Indian Penal Code.

The accused/petitioners are not named in the F.I.R. and are in custody since 27.01.2023.

The allegation against the petitioners is to have in possession of stolen motorcycle alongwith other co-accused persons.

Learned counsel appearing on behalf of the petitioners submitted that both above named petitioners implicated falsely,



where name of petitioner no. 1 surfaced on the basis of confessional statement of petitioner no. 2 and in furtherance of which no incriminating material recovered/surfaced during the course of investigation which may incriminate these petitioners, *prima facie*, with present stolen motorcycle. It is pointed out that alleged stolen motorcycle recovered from the possession of one co-accused, namely, Sushil Mehta. It is also submitted that no TIP was conducted, as yet. While concluding the argument, it has been submitted that both petitioners found involved in one more case, where they are on bail and moreover, investigation of this case is completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as stolen motorcycle not recovered from the possession of above named petitioners, who are in custody since 27.01.2023 coupled with the fact that charge-sheet has been submitted, accordingly both the petitioners, above named, are directed to be released on bail in connection with Bihariganj P.S. Case No. 02 of 2023 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount



each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Uda-Kishunganj, Madhepura/concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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