

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36546 of 2023

Arising Out of PS. Case No.-21 Year-2023 Thana- THAKRAHA District- West Champaran

Lal Babu Kunwar @ Lal Babu Kuwar Son of Late Prabhu Kunwar Resident of village - Dabiya Bhawanipur, P.S. - Shri Nagar, Pujaha, Distt. - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Milind Kumar Mishra, Adv.

For the Opposite Party/s : Mr. Ram Anurag Singh, APP.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 24-06-2023 Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner seeks regular bail in connection with Thakraha P.S. Case No. 21 of 2023, lodged on 02.04.2023 under Sections 413, 414, 420,34 of the Indian Penal Code.

3. As per prosecution case, the F.I.R. has been lodged against three named accused persons including the present petitioner with an allegation of keeping theft mobile phone. Besides that a motorcycle has also been recovered from the possession of the petitioner and on being asked, the petitioner could not produce the document with regard to the said motorcycle.

4. Learned counsel for the petitioner submits that the

petitioner is running a motorcycle repairing shop and since the alleged recovered motorcycle had been kept at his shop by the co-accused, hence, the document with regard to the said motorcycle is not available with the petitioner, but only on the basis of suspicion, the name of the petitioner has been dragged in the present case at the behest of the Police. The petitioner being motor mechanic is not involved in such type of activities, therefore, no offence is made out against him. It is further submitted that the other co-accused from whose possession, motorcycle has been recovered has named the petitioner in his confession. The petitioner is in custody since 03.04.2023 having clean antecedent and the chargesheet has already been filed.

5. Learned counsel for the State opposes the prayer for bail and submits that though the petitioner is running a motorcycle repairing shop, but as per the confession of the co-accused as well as the allegation levelled in the F.I.R., he was found indulged in selling the theft motorcycle.

6. Upon specific query from the counsel for the petitioner whether the charge has been framed or not, learned counsel for the petitioner submits that he is not aware about the fact whether the charge has been framed or not.

7. In the present facts and circumstances, I am not

inclined to grant regular bail to the petitioner.

8. Accordingly, the prayer for regular bail of the petitioner in connection with Thakraha P.S. Case No. 21 of 2023, pending before the learned Judicial Magistrate, 1st Class, Bagaha, West Champaran is hereby rejected.

9. However, the petitioner would be at liberty to renew the prayer for bail after framing of the charge. The trial Court is directed to release the petitioner on bail upon move for bail after framing of the charge by imposing its own condition so that the petitioner may not evade his appearance on the date fixed.

10. With this observation, the bail application stands disposed of.

(Dr. Anshuman, J.)

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