

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46011 of 2023

Arising Out of PS. Case No.-53 Year-2017 Thana- TAJPUR District- Samastipur

SHUBHASH KUMAR SINGH Son of Late Baleshwar Singh Resident of
village - Paharpur, P.S. - Baligaon, Distt. - Vaishali

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vaishnavi Singh
For the Opposite Party/s : Mr.Md. Iftekhar Mahmood

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 04-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for regular bail in a case
instituted for the offence under Section 414 of the Indian Penal
Code.

3. As per prosecution case, one Barun Kumar was
parked his car in front of his house but in the next morning the
said vehicle was missing. Barun Kumar, driver of the vehicle
also disclosed that as per G.P.S. installed in the vehicle, the said
Tata Sumo Gold is in Tajpur. On such information, the
informant along with police party reached there and recovered
the said vehicle from co-accused Phulendra Kumar Sah and he
said that the vehicle was carried from the petitioner for selling at
the rate of Rs. 60,000/- out of which he paid Rs. 10,000/- to the



petitioner and rest amount was to be paid after handing over the documents.

4. It is submitted by learned counsel for the petitioner that petitioner has been falsely implicated in this case. He has committed no offence. He submitted that the driver of the vehicle in question, who allegedly approached the informant for recovery of the said vehicle is neither a witness of the so called seizure list nor his statement was recorded during investigation, which goes to show that he in order to save his own skin and has falsely implicated the petitioner. No incriminating/stolen article has recovered from the conscious possession of the petitioner and no any evidence has been collected during entire investigation. The name of the petitioner has come into light, on the basis of confessional statement of apprehended co-accused, which has got no evidentiary value in the eyes of law. He further submitted that the co-accused, from whose possession the stolen car recovered has already been granted bail by a Co-ordinate Bench vide order dated 03.05.2017 passed in Cr. Misc. No. 21060 of 2017. He is languishing in judicial custody since 07.06.2023.

5. The application for bail is opposed by learned APP for the State.



6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as period of custody, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Court below in connection with Tajpur P.S. Case No. 53 of 2017.

(Sunil Kumar Panwar, J)

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