

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51792 of 2022

Arising Out of PS. Case No.-140 Year-2022 Thana- PALASI District- Araria

Kisto Sharma @ Kisto Mistry @ Sharma, Son of Shyam Lal Sharma Resident
of Village - Kankhudiya, Ward No. -2, P.S.- Palasi, Dist.- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mrs. Anita Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 12-01-2023 Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner apprehends his arrest in connection
with Palasi P.S. Case No.140 of 2022 instituted under Sections
413,414,34 of the Indian Penal Code.

As per the prosecution story, the police officials
alleged that upon information that motorcycles are parked
infront of the house of the petitioner herein and three persons
are standing there went and upon seeking the police they tried to
escape but were apprehended and upon enquiry they failed to
provide any document for the three motorcycles. Accordingly,
the same having found to be stolen one seized and the three
accused persons taken into custody. Further they disclosed that
four more motorcycles are there in the campus of the petitioner
herein. Accordingly, the FIR was lodged.



Learned counsel for the petitioner submits that so far as the recovery of first three motorcycles are concerned, the three persons were there present along with it and it is for them for explain how they were possessing the same. So far as the other four motorcycles are concerned which the police alleges to have been recovered/seized from the campus, with the help of paragraph 11 he submits that the room was let out to the three accused persons and had no concern with the alleged recovery/seizure.

The last submission is that although the police claims to have recovered/seized from the campus of the petitioner herein, the seizure would show that there is no signature of anyone, much less the family of the petitioner and in the said backdrop, the petitioner who do not have criminal antecedent deserves relief.

Learned APP on the other hand opposes the prayer for anticipatory bail stating that though there is no criminal antecedent against the petitioner, the recovery/seizure is of four motorcycles from his campus.

Taking into account the fact that recovery/seizure from the campus of the petitioner does not bear signature of anyone other than the police officials as also the fact that the



petitioner do not have criminal antecedent, this Court is inclined to grant him relief with the conditions that he will be visiting the concerned police station for one year every month to mark his attendance.

Let the petitioner be released on bail, in the event of his arrest or surrender before the Sub-ordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each in connection with Palasi P.S. Case No.140 of 2022 to the satisfaction of learned Chief Judicial Magistrate, Araria, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Rajiv Roy, J)

Prakash Narayan /-

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