

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52284 of 2023

Arising Out of PS. Case No.-49 Year-2022 Thana- AURANGABAD TOWN District-
Aurangabad

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Manish Kumar S/O Gandhi Sah R/O Village- Baharar , P.S- Sasaram (M) ,
Distt.- Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rajani Kant Singh, Advocate
For the Opposite Party/s : Mr.Nand Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 19-08-2023 Heard learned counsel for the parties.

2. The petitioner seeks pre-arrest bail in connection with Aurangabad Town P.S.Case No.49 of 2022, registered for the offences punishable under Section 379 of the Indian Penal Code.

3. Prosecution story, in brief, is that on 31.1.2022, the petitioner parked his Passion (Pro) Motorcycle bearing registration no.BR26G/8082 and went to the Post Office and after his return, he found his motorcycle missing.

4. Learned counsel appearing on behalf of the petitioner submitted that earlier in connection with theft of the motorcycle, petitioner had been made accused in Sasaram (M) P.S.Case No.52 of 2022, in which the petitioner has been



granted bail. Petitioner has been made accused in the present case only on the basis of suspicion. The alleged motorcycle has already been recovered. Learned counsel further submitted that the police has confiscated three motorcycles, whose engine numbers are as follows :

1. MBLHA10AWCMK2689

2. MBLHA10A6EHA30954

3. ME4JC738F3T041394

5. In the present case, petitioner is not named in the FIR and on suspicion, he has been made accused for allegedly stealing the motorcycle bearing registration No.BR26G/8082.

6. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

7. Having considered the nature of allegation made in the FIR, no recovery has been made from the possession of the petitioner and in the present FIR, petitioner has been made accused on the basis of suspicion, the court below is directed to call for the report from the District Transport Officer, Aurangabad with respect to the motorcycle and in case it is found that the motorcycle has been returned back to its original owner and involvement of the petitioner is not found in the alleged offence, the petitioner is directed to be released on pre-



arrest bail in connection with Aurangabad Town P.S.Case No.49
of 2022, subject to the conditions as laid down under Section
438(2) of the Cr.P.C.

(Purnendu Singh, J)

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