

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58507 of 2023

Arising Out of PS. Case No.-95 Year-2023 Thana- SARE District- Nalanda

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Vishal Rockey S/O Dhirendra Singh, R/O Village- Bhairo Bigha, PS. Sare,
Dist. Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Priyaranjan Singh, Advocate

For the Opposite Party/s : Ms. Madhuri Lata, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

- 3 13-12-2023 Heard Mr. Priyaranjan Singh, learned counsel
- appearing on behalf of the petitioner and Ms. Madhuri Lata, the
- learned Additional Public Prosecutor for the State.
2. The petitioner apprehends his arrest in connection
- with Sare PS Case No. 95 of 2023 dated 08.06.2023, registered
- for the offences punishable under Sections 414, 420, 467, 468,
- 471 and 120(B)/34 of the Indian Penal Code.
3. The allegation against the petitioner is of keeping a
- stolen motorcycle in his house and using it after changing the
- number plate. On raid being made, the accused person failed to
- produce any valid document resulting in lodging of the FIR.
4. Learned counsel appearing on behalf of the
- petitioner submits that admittedly, there is no material
- suggesting that the motorcycle was a stolen motorcycle as it is

not preceded by any case with regard to the theft of the motorcycle. It is submitted that the petitioner has neither any concern with the motorcycle nor the place from where the motorcycle has been recovered. He drew the attention of this Court to the seizure list and with reference thereto he submits that it suggests that the motorcycle has been recovered from the '*baramda*' situated in front of the house of the petitioner which is an open place easily accessible to all. He next submitted that the entire case has been instituted on the disclosure made by the *chowkidar* of the police station and the manner in which the FIR has been instituted appears to be highly suspicious. He lastly submits that the petitioner is a student having fair antecedent and in case he would be sent to the judicial custody, his entire career would be jeopardized.

5. On the other hand, learned counsel appearing on behalf of the State vehemently opposed the pre-arrest bail application and submits that from the materials available on record, it appears that stolen motorcycle has been recovered from his house.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that there is no material suggesting that motorcycle was stolen. Moreover, it has

been recovered from an open place in front of the house of petitioner coupled with his fair antecedent, let the petitioner above named be released on bail, in the event of his arrest or surrender before the Court below within a period of four weeks from the date of receipt / production of a copy of this order, upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Nalanda at Bihar Sharif in connection with **Sare PS Case No. 95 of 2023**, subject to the conditions laid down in Section 438(2) of Cr.P.C. with the further condition that one of the bailors shall be the own / close family member of the petitioner.

(Harish Kumar, J)

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