

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69693 of 2023

Arising Out of PS. Case No.-64 Year-2023 Thana- WAJIRGANJ District- Gaya

Vikash Kumar, S/O Munna Prasad, R/O Village- Budhgere, P.S- Muffasil,
Distt.- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vinod Kumar, Advocate

For the Opposite Party/s : Mr. Umanath Mishra, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 09-11-2023 Heard Mr. Vinod Kumar, learned counsel appearing
on behalf of the petitioner and the learned APP for the State.

2. The petitioner is apprehending his arrest in connection with Wazirganj P.S. Case No. 64 of 2023 registered for the offences punishable under Sections 413, 414/34 of the Indian Penal Code.

3. Allegedly, in course of patrolling, the police intercepted five persons, who were coming on two motorcycles. However, noting the police party, one motorcycle rider succeeded in fleeing away. On search, 05 HP Submersible motor pump was recovered. The apprehended person disclosed the name of the petitioner.

4. It is submitted on behalf of the petitioner that so far the allegation that the Submersible motor pump was stolen



property does not appear to be reliable, as no case of theft has ever been instituted. Moreover, the disclosure made by the apprehended person that the Submersible motor pump, in question, was stolen from village Malti also falsifies for the reason that Up-Mukhiya of the concerned Panchyat issued a certificate dated 20.02.2023 that no theft of Submersible motor pump was done during the period in her Panchayat. It is next submitted that on account of vengeance, the name of the petitioner has been disclosed by the person, who were apprehended by the police, save and except the disclosure, there is no material suggesting the complicity of the petitioner nor any incriminating material has been recovered from the whereabouts of the petitioner.

5. On the other hand, learned APP for the State opposes the bail application.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that there is no complaint/F.I.R. with regard to the theft of Submersible motor pump and the certificate issued by the Up-Mukiya of the concerned Panchayat disclosing the fact that no motor pump has been stolen from her Panchayat, coupled with the fair antecedent, let the petitioner, named above, in the event of his



arrest or surrender before the court below within four weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-I, Gaya in connection with Wazirganj P.S. Case No. 64 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. with the further condition that one of the bailors shall be the own/close relative of the petitioner.

(Harish Kumar, J)

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