

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20041 of 2024

Arising Out of PS. Case No.-285 Year-2023 Thana- SANGRAMPUR District- East
Champaran

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JAIN MUKHIYA Son of Late Sagar Mukhiya Resident of Village-Koorgawa,
P.S.-Sangrampur, District-East Champaran. Petitioner/s

Versus

The State of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rashmi Jha, Advocate

For the Opposite Party/s : Mrs.Meena Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 02-04-2024 Heard the parties.

2. The petitioner is apprehending arrest in connection with Sangrampur P.S. Case No. 285 of 2023 instituted under Section 414 of the Indian Penal Code lodged on 1.8.2023 by the informant, Alka Kumari.

3. As per the prosecution story, the informant has alleged that upon information that a stolen motorcycle relating to Sangrampur P.S. Case No. 280 of 2023 has been kept in the house of the petitioner, the same was raided and stolen motorcycle recovered. Further, motorcycles were recovered from the houses of the other accused persons. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that the police showed the recovery from the house of the petitioner, the motorcycle was actually outside his house in an abandoned condition, none of his family members has put their respective



signature on the seizure list and only to implicate, he has been dragged.

5. Learned APP opposes the prayer stating that there is recovery of the motorcycle from the house of the petitioner.

6. Considering the submission put forward by the learned counsel for the petitioner as also that the recovery is outside of his house, as submitted by the petitioner, he do not have criminal antecedent, this Court is inclined to extend him privilege of anticipatory bail. However, if it is found that contrary to the submission made by the petitioner, if the motorcycle was actually recovered/seized not from the road but from the house of the petitioner, the order shall become infructuous.

7. Let the petitioner be released on bail, in the event of his arrest or surrender before the subordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each in connection with Sangrampur P.S. Case No. 285 of 2023 to the satisfaction of learned Chief Judicial Magistrate, Motihari, East Champaran subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other conditions.



(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall co-operate in the investigation and make himself available to the police as and when required;

(iv) the petitioner shall appear before the concerned police station every month for next one year to mark his attendance;

(v) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(vi) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

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