

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25953 of 2024

Arising Out of PS. Case No.-208 Year-2023 Thana- SANDESH District- Bhojpur

Vikky Kumar, Male, Aged about 41 years, S/o Lohadi Ram R/o vill. -
Khandol, P.S. - Sandesh, Distt. - Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shiv Prasad Gupta, Advocate

For the Opposite Party/s : Mr.Aditya Narayan Singh.1, APP

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

2 26-04-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Sandesh P.S. Case No.208 of 2023 instituted for the offences punishable under Section 379 of the Indian Penal Code later on chargesheet has been submitted under Sections 379 and 411 of the I.P.C.

3. It is a case of recovery of stolen motorcycle of the informant from the possession of the petitioner.

4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence. He has falsely been implicated in this case. Nothing has been recovered from his conscious possession. Petitioner and informant are



friends. As submitted by learned counsel for the petitioner that in fact, the informant had taken Rs. 25,000/- from the petitioner one year ago and when the petitioner demanded him to return the said amount, informant give him 15 days time by handing over his motorcycle to the petitioner as security for the said purpose whereupon petitioner took the informant's motorcycle with him to his in-laws house and in the meantime the present false case has been lodged by the informant against the petitioner just with a view of grab the amount of Rs. 25,000/-. A statement has been made in para 3 of the petition that petitioner has no criminal antecedent. He is languishing in judicial custody since 22.08.2023.

5. Learned APP for the State has vehemently opposed the prayer for bail.

6. From perusal of the F.I.R., impugned order dated 16.02.2024 and seizure list, it appears that on the basis of written report of informant Kumar Gupeteshwar Nath F.I.R. registered u/s 379 of the I.P.C. against the present petitioner. The said stolen motorcycle has been recovered from the in-laws house of the petitioner. There is no independent witness of the seizure list.

7. Considering the facts and circumstances of the case



and submissions made on behalf of the petitioner as well as period of custody of the petitioner, let the above named petitioner be released on bail *after framing of charge* on 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, District-Bhojpur at Ara in connection with Sandesh P.S. Case No. 208 of 2023.

8. The trial Court is directed to conclude the proceeding of framing of charge according to law within a period of 15 (fifteen) days from the date of receipt of a copy of this order with further condition that petitioner have to present physically on each and every date before the Trial Court till conclusion of trial.

(Ramesh Chand Malviya, J)

lata/-

U		T	
---	--	---	--

