

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47122 of 2024

Arising Out of PS. Case No.-861 Year-2023 Thana- SHEKHPURA District- Sheikhpura

Bechan Tanti Son Of Late Naresh Tanti Resident Of Village - Panapur, Ward
No.1, P.S. - Matihani, District- Begusarai

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shubhesh Pandey, Advocate

For the Opposite Party/s : Mr. Jai Narain Thakur, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 10-07-2024 Heard the learned Advocate for the petitioner and the

learned APP for the State.

2. The petitioner seeks regular bail, who is in custody
in connection with Sheikhpura P.S. Case No. 861 of 2023,
registered for the offence punishable under Section 379 of the
Indian Penal Code.

3. Based on the written report, the prosecution alleges
that the Bolero vehicle of the informant bearing Registration
No. BR-1AP-0272 has been stolen by unknown thief. Despite
search, it could not be located, hence the FIR.

4. Learned Advocate for the petitioner submitted that
the petitioner has been remanded in this case from Chandan P.S.
Case No. 202 of 2023, wherein a Bolero vehicle bearing
Registration No. BR-21G-2778, containing some illicit wine



was seized by the police. From the narrative of the FIR, it is evident that the vehicle, in question, of the present crime is not the vehicle in question, which was recovered in connection with Chandan P.S. Case No. 202 of 2023. Considering the complicity of the petitioner in the aforesaid case, the name of the petitioner has been implicated in this case. Drawing the attention of this Court to paragraph no. 3 of the bail application, learned Advocate for the petitioner further contended that though the petitioner was also made accused in Matihani P.S. Case No. 155 of 2022, however, in that case, the petitioner has been acquitted by the learned trial Court. It is also the contention of the petitioner that the entire prosecution case is based upon suspicion and till today, no incriminating material has come during the course of investigation, suggesting the complicity of the petitioner. The petitioner is in custody since 30.04.2024, and after completion of investigation, charge-sheet has been submitted.

5. On the other hand, learned APP for the State vehemently opposes the bail application and submits that the petitioner appears to be a habitual offender and earlier also, he was caught with a Bolero vehicle, which was used for the purposes of trade of illicit wine.

6. Regard being had to the submissions made on



behalf of the parties and considering the fact that the subject matter of the vehicle in question, in both the cases were different, coupled with the fact that the entire case is based upon suspicion. All the more, the crime in question is triable by the Magistrate, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sheikhpura in connection with Sheikhpura P.S. Case No. 861 of 2023, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) The court below shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found



that the petitioner has concealed his criminal antecedent, the court below shall take immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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