

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46727 of 2024

Arising Out of PS. Case No.-146 Year-2024 Thana- BARHARIA District- Siwan

Sheshnath Sah Son Of Phagu Sah Resident Of Village - Bhaluwa, P.S. -
Barhariya, District - Siwan

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Kumari Anupam, Advocate
For the Opposite Party/s : Mr. Shailendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 10-07-2024 Heard learned counsel for the parties.

2. The petitioner seeks regular bail, who is in custody in connection with Barhariya P.S. Case No. 146 of 2024 registered for the offences punishable under Sections 413 and 414 of the Indian Penal Code.

3. The police on a secret information that some criminals are assembled with stolen bullet motorcycle, conducted raid and apprehended two persons. It is further alleged that noticing the police party three persons succeeded in fleeing away. The apprehended person confessed before the police that they are indulged in committing theft of the motorcycle and the recovered motorcycles are of stolen one.

4. Learned advocate for the petitioner contended that the present FIR reveals that the motorcycles in question were stolen property but there is no FIR or any complaint preceding to the



present FIR, suggesting the factum of theft and, as such, no case much less under Section 414 IPC is made out. It is further contended that the petitioner is a man of fair antecedent and he has never been dealing in stolen property. Thus, Section 413 of the Indian Penal Code has no application. It is also the contention of the petitioner that the police has apprehended the petitioner on suspicion as he was standing beside the motorcycle; that apart the petitioner is a man of fair antecedent and is in custody since 05.04.2024.

5. On the other hand, learned counsel for the State opposed the bail application and submits that the stolen motorcycles have been recovered.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that there is no FIR or any complaint preceding the present FIR with respect to the theft of the stolen motorcycle coupled with the fair antecedent of the petitioner, let the petitioner above named be released on bail, on furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned A.C.J.M- III, Siwan in connection with Barhariya P.S. Case No. 146 of 2024, subject to the conditions :

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



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

(iii) They 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, their 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 their 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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