

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50507 of 2024

Arising Out of PS. Case No.-291 Year-2024 Thana- MOTIHARI TOWN District- East
Champaran

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Sikindar Sahani Son of Raghuni Sahani Resident of Village - Majhariya, P.S. -
Pipra Kothi, District - East Champaran

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Adv.
For the Opposite Party/s : Mr. Anuj Kumar Shrivastava, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 24-07-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner seeks regular bail, who is in custody
in connection with Motihari (Town) P.S. Case No. 291 of 2024
registered for the offences punishable under Sections 413 and
414 of the Indian Penal Code.

3. In course of patrolling, the police on a confidential
information apprehended the petitioner who was found in
suspicious circumstances along with red colour Super Splendor
motorcycle without registration. On search, a master T-shape
key was also recovered from the possession of the petitioner.

4. Learned counsel for the petitioner contended that,
in fact, from the narrations made in the FIR, it is evident that the



petitioner was apprehended on suspicion and barring this, there is no material suggesting complicity of the petitioner in the present crime. Moreover, there is no FIR/complaint, preceding to the present FIR. The name of the petitioner has been implicated in this case only on account of his having antecedent of four criminal cases of identical nature. Now, the petitioner is in custody since 22.05.2024.

5. On the other hand, learned counsel for the State vehemently opposed the bail application and submitted that the petitioner is the person who is engaged in theft of motorcycle and carrying four criminal antecedent of identical nature.

6. At this juncture, learned counsel for the petitioner submitted that the petitioner is on bail in all the four cases.

7. Regard being had to the submissions made on behalf of the parties and considering the fact that the present FIR is not preceded by any complaint/FIR, showing that the motorcycle in question was subject matter of theft, coupled with the period of custody, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Motihari, East Champaran in connection with Motihari (Town) P.S. Case No.



291 of 2024, 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.

(Harish Kumar, J)

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