

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68546 of 2024

Arising Out of PS. Case No.-113 Year-2024 Thana- SIWAN MUFFASIL District- Siwan

Vishal Kumar @ Bishal Kumar Son of Sri Nath Bhagat Resident of village -
Simariya, P.S.- Nautan, Distt.- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kumari Anupam

For the Opposite Party/s : Mr.Akshay Lal Pandit

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 04-10-2024 Heard the parties.

2. The petitioner seeks bail in connection with
Siwan Muffasil P.S. Case No. 113 of 2024 registered for
the offence under Sections 379 of the I.P.C.

3. The petitioner is not named in the F.I.R. and
is in custody since 10.06.2024.

4. The allegation against the petitioner is of
committing theft and while committing theft, stolen the
motorcycle of informant alongwith unknown co-accused
persons bearing registration no. BR-29-AE-3212.

5. Learned counsel appearing on behalf of the
petitioner submitted that alleged recovery of stolen



motorcycle was made from the gang of thieves and it was not said to be recovered specifically from the possession of petitioner. It is submitted that in fact petitioner was remanded in this case from Srirampur P.S. Case No. 89 of 2024 district -Deoria, Uttar Pradesh and as such, it can be said safely that recovery of alleged motorcycle was not made from his physical possession. It is further submitted by learned counsel that similarly situated co-accused, namely, Abhishek Singh has been granted bail by this Court in Cr. Misc. No. 63897 of 2024 vide order dated 11.09.2024. While concluding the argument, it is submitted that petitioner is found involved in six more criminal cases where he is on bail and moreover, investigation of this case is completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP opposes the prayer of bail.

7. In view of aforesaid facts and circumstances



and by taking note of fact as recovery of stolen motorcycle not prima-facie appears to be made from physical possession of this petitioner who is in custody since 10.06.2024, accordingly, petitioner above named, is directed to be released on bail in connection with Siwan Muffasil P.S. Case No. 113 of 2024 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Siwan/concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C/ Section 480(3) of BNSS.

(Chandra Shekhar Jha, J)

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