

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69390 of 2024

Arising Out of PS. Case No.-430 Year-2023 Thana- KORHA District- Katihar

Vikram Kumar @ Bikki, S/O Upendra Prasad Singh, R/O Village- Bisharia @
Bisaria, P.S- Korha, Distt.- Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bipin Kumar, Advocate

For the Opposite Party/s : Mr.Syed Ehteshamuddin, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 03-10-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. In the present case, the petitioner seeks bail in connection with Korha P.S. Case No. 430 of 2023, registered for the alleged offence under Section 379 of the Indian Penal Code.

3. As per prosecution case, the motorcycle of the informant was stolen and the name of the petitioner transpired as the person who was involved in the theft.

4. The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Though, the occurrence of theft of motorcycle took place on 17.11.2023, but the FIR was lodged on 02.12.2023, i.e., after the petitioner and co-accused were apprehended in K. Hat (Maranga) P.S. Case No. 1322 of 2023 registered on



01.12.2023. The police in collusion with the informant registered Korha P.S. Case No. 430 of 2023 implicating the petitioner in the present case. Though, there is allegation against the petitioner that stolen motorcycle was recovered from his possession, but the said motorcycle was not put to any Test Identification Parade and merely on the basis of confessional statement of the petitioner, he has been taken into custody. Nothing incriminating has been recovered from the conscious possession of this petitioner. The petitioner is having criminal antecedent of three cases and he is on bail in all these cases. The petitioner is in custody since 11.06.2024 and the charge sheet has been submitted.

5. The learned A.P.P. opposes the submission made on behalf of the petitioner. The learned APP submits that the petitioner appears to be habitual offender.

6. Having regard to the facts and circumstances and submissions made hereinabove and considering the delay in lodging the FIR and further considering the submission of charge sheet and the period of custody of the petitioner, he is directed to be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate,



Katihar, in connection with Korha P.S. Case No. 430 of 2023,
subject to the conditions mentioned in Section 437 (3) of the
Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be a close relative
of the petitioner.
- (ii) The petitioner will remain present on each
and every date fixed by the court below.
- (iii) In case of absence on three consecutive
dates or in violation of the terms of the bail,
the bail bond of the petitioner will be liable to
be cancelled by the court concerned.

V.K.Pandey/-

(Arun Kumar Jha, J)

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