

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74076 of 2024

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

Vivek Kumar Kushwaha, S/o Rudal Kushwaha, R/o Village-Adhaw, P.S.-
Bankata, District- Deoria, (U.P.).

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Tiwary, Advocate

For the Opposite Party/s : Mr. Ram Sevak Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 18-10-2024 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 Section 379 of the Indian Penal Code.

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 so, 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. While concluding the argument, it is submitted that petitioner is found involved in three more criminal cases, where he is on bail and moreover, investigation of this case is completed, for which charge-sheet has been submitted, and 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 Additional 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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