

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31871 of 2025

Arising Out of PS. Case No.-530 Year-2015 Thana- AURANGABAD TOWN District-
Aurangabad

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Arun Sharma @ Barud S/o Mahendra Sharma R/o vill - Sanda Mela, P.S.-
Kutumba, distt.- Aurangabad, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Ms.Rupa Kumari

For the Opposite Party/s : Mr. Satyendra Nr. Singh, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 06-08-2025 Heard the parties.

2. Application for grant of bail to the petitioner, who is in custody in connection with Town P.S. Case No. 530 of 2015, registered for the offences punishable under Section 379 of the Indian Penal Code.

3. The informant alleges that on 20.12.2015, while he went to purchase vegetables after parking his vehicle bearing registration No. BR-26C-7133 in the market and when he returned back, did not find his motorcycle. He came to know that some unknown thief has stolen the motorcycle, whereupon the FIR came to be lodged.

4. Learned Advocate for the petitioner contended that the FIR has been instituted against unknown thieves. However,



during the investigation it transpired that the petitioner, who was apprehended in connection with Kutumba P.S. Case No. 12 of 2016 under Sections 414/34 of the Indian Penal Code, his statement was recorded by the police, wherein he disclosed the name of one Ranjan Kumar to whom he sold the motorcycle in question. Based upon the disclosure made by the petitioner, the stolen motorcycle was recovered from co-accused Ranjan Kumar. So far as Kutumba P.S. Case No. 12 of 2016 is concerned, the petitioner has already been granted bail. Learned Advocate further submits that for the first time the police has filed a petition for warrant of arrest of the petitioner on 17.02.2025 and thereupon he was apprehended and sent to the judicial custody. He lastly contended that be that as it may, no TIP has been done and save and except the confessional statement, there is no other material suggesting the complicity of the petitioner in crime.

5. On the other hand, learned APP for the State vehemently opposes the bail application and submits that apart from three criminal antecedent of the petitioner, the statement of the petitioner was recorded long back in the year 2016 itself, based upon which recovery of motorcycle was done and since then the petitioner was evading his arrest, hence he does not



deserve any sympathetic consideration.

6. Having considered the submissions set forth by the learned Advocates for the respective parties and taking note of the fact that on the disclosure made by the petitioner, the stolen motorcycle was recovered from the house of co-accused person as also the criminal antecedent of the petitioner, this Court is not inclined to release the petitioner on bail, for the present. Accordingly, the prayer for bail of the petitioner stands rejected.

7. However, considering the fact that the offence alleged in the FIR is triable by the Magistrate, the petitioner shall be released on bail after framing of charge from the court below itself on furnishing appropriate bail bond and sureties to the satisfaction of the court concerned.

(Harish Kumar, J)

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