

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69006 of 2024

Arising Out of PS. Case No.-285 Year-2023 Thana- SANGRAMPUR District- East Cham-
paran

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Ramesh Kumar Mukhiya @ Ramesh Mukhiya Son of Dewan Mukhiya Resi-
dent of Village- Koirgawa Bin Toli, P.S- Sangrampur, District- East Cham-
paran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh, Advocate
For the Opposite Party/s: Mr. Ashok Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 17-01-2025 Heard the parties.

2. The petitioner is apprehending arrest in connection with Sangrampur P.S. Case No. 285 of 2023 instituted under Section 414 of the Indian Penal Code lodged on 01.08.2023 by the informant, Alka Kumari.

3. As per the prosecution story, the informant has alleged that upon information that a stolen motorcycle relating to Sangrampur P.S. Case No. 280 of 2023 has been kept in the house of the petitioner, the same was raided and stolen motorcycle recovered. Further, motorcycles were recovered from the houses of the other accused persons. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that the



two motorcycles bearing registration no. BR-22-L-9377 and BR 05-J-5035 have been recovered/seized by the Police. So far as the two wheeler no. BR-05-J-5035 is concerned, the same is registered in the name of one Mukesh Singh, he purchased this from him, the same was not transferred, Mukesh Singh has not lodged any FIR. So far as the other vehicle no. BR-22-L-937 is concerned, it belongs to his brother, though, he has not brought the same on record. It is his categorical statement that the vehicle belongs to his brother namely, Manoj Mukhiya. The last submission is that one Jain Mukhiya has been extended the relief in Cr. Misc. No. 20041 of 2024.

5. Let the same be kept on record.

6. Learned APP opposes the prayer submitting that two two-wheelers have been recovered/seized from his house and further, he has criminal antecedent.

7. Considering the submissions put forwarded by the parties as also that a categorical statement has been made by the learned counsel for the petitioner that while first vehicle belongs to Mukesh Singh from whom he purchased the same and there is no FIR in this regard and the second vehicle belongs to his brother namely, Manoj Mukhiya, subject to scrutiny of the two registration papers relating to the vehicle by the concerned



Court, if the contention of the petitioner, as forwarded by the learned counsel is correct, this Court is inclined to extend him the privilege of anticipatory bail with conditions.

8. If, however, it is found that the statement made by the learned counsel for the petitioner relating to one vehicle belonging to Mukesh Kumar Singh while the other to his elder brother namely, Manoj Mukhiya does not match with the registration papers, no relief be extended to the petitioner.

9. Let the petitioner be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned CJM, East Champaran, Motihari or Successor Court, East Champaran, in connection with Sangrampur P.S. Case No. 285 of 2023 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his



bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

Adnan/-

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