

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10055 of 2019

Arising Out of PS. Case No.-451 Year-2018 Thana- BARAUNI District- Begusarai

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AMIT KUMAR @ CHANNU SINGH @ CHANNU @ CHUNNU SINGH,
Son of Janardan Singh, Resident of Village - Ramdiri, Mahaji Tola, P.S.
Matihani, District - Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sandip Kumar Gautam, Adv.

For the Opposite Party/s : Mr. Uday Pratap Singh, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 20-02-2019 Heard learned counsels for the petitioner and the
State.

The petitioner is languishing in custody since 14.09.2018 in a case registered for the offences punishable under Section 414 of the IPC and under Sections 25(1-B)a, 26 and 35 of the Arms Act.

The prosecution case, as per the self statement of Ramesh Chandra Singh, S.I.-cum-S.H.O. of Refinary O.P. (Barouni P.S.) dated 13.09.2018 at about 08.30 P.M., is to the effect that on the same day during patrolling, one motorcycle thief namely, Ritesh Kumar was apprehended who disclosed the name of co-accused



Prince Kumar @ Golu with whom he committed several offences. Thereafter, a raid was laid and from the house of co-accused Prince Kumar @ Golu, one country made pistol and live cartridges were recovered. On the confession of the co-accused, Prince Kumar @ Golu, the name of the petitioner sprang up and from the house of the petitioner, a stolen motorcycle was recovered.

It is submitted by learned counsel for the petitioner that the seizure list does not suggest any recovery from the possession of the petitioner. In fact, the recovery was made from the front of the house of the petitioner, hence the recovery cannot be treated from the possession of the petitioner. Though the petitioner is made accused in four other cases also out of which in one of the case of similar nature, he is on bail.

It is submitted by the learned APP for the State that the recovery has been made from the house of the petitioner.

Considering the inconsistency between the FIR and seizure list with regard to place of seizure of alleged recovered motorcycle and the fact that the investigation already being concluded, let the above named petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned **C.J.M.**,



Begusarai in connection with **Barauni P.S. Case No. 451 of 2018.**

Since, the petitioner has serious criminal antecedent, the learned Court below would be at liberty to cancel the bail bonds of the petitioner, if the petitioner defaults on two consecutive occasions or gets involved in similar nature of offence.

(Dinesh Kumar Singh, J)

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