

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17367 of 2019

Arising Out of PS. Case No.-56 Year-2018 Thana- PATEPUR District- Vaishali

BIPUL PASWAN @ BIPUL KUMAR @ VIPUL KUMAR Son of Jitendra
Paswan Resident of Village - Sukki, P.S.- Patepur, Distt.- Vaishali.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bela Singh

For the Opposite Party/s : Mr.Ramesh Chandra

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 28-03-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is languishing in custody since
07.12.2018 in a case registered for the offence punishable
under Section 414/34 of the Indian Penal Code.

The prosecution case got initiated on the basis of
written report of Amresh Kumar Pandey submitted before the
Station House Officer, Patepur Police Station is to the effect
that on 12.04.2018, at 11.30 P.M. during the vehicle check,
two persons were apprehended namely Sikandra Kumar and
Vicky Kumar, but on being demanded by the police, they
failed to produce the relevant document of the vehicle. It is
further alleged that co-accused Sikandar Kumar disclosed that
three stolen motorcycles are lying in the house of co-accused,
Jitendra Chaudhary. Subsequently, the house of co-accused



Jitendra Chaudhary was raided, from where, three motorcycles were seized, however, co-accused Jitendra Chaudhary on seeing the police party escaped from the scene. It is further alleged that on the disclosure of co-accused Vicky Kumar, from the house of co-accused Pankaj Kumar, a raid was laid and a motorcycle was recovered whereas from the house of co-accused, Bipul Paswan, the petitioner, two stolen motorcycles were recovered. It is further alleged that on the disclosure of co-accused Sikandar Kumar Sahni, the house of co-accused Sunil Sahni was raided, from where, during frisking one motorcycle was recovered, while on the further disclosure of co-accused Vicky Kumar, the house of co-accused Bisheswar Pandit was raided from where, five motorcycles were recovered. It is also alleged on the disclosure of all the accused persons, the house of co-accused Sdakki was raided from where, a stolen motorcycle was recovered.

It is submitted by learned counsel for the petitioner that the alleged recovery has been made from the joint family house of the petitioner, hence, it cannot be treated from the conscious physical possession of the petitioner. It is further submitted similarly situated co-accused Sikendra Sahni, who had been apprehended initially and from whose possession, the



recovery was made, has been granted bail by different Co-ordinate Bench of this Court vide order dated 08.10.2018, passed in Criminal Miscellaneous No. 68160 of 2018, while co-accused Umesh Petti has been granted bail by a Co-ordinate Bench of this Court vide order dated 10.07.2018, passed in Criminal Miscellaneous No. 42599 of 2018 and the investigation has already been concluded. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP for the State submits that the stolen motorcycles were recovered from the house of the petitioner.

Considering the fact that the investigation has already been concluded and similarly situated co-accused persons have been granted bail, let the above named petitioner 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 ACJM-X, Vaishali in connection with Patepur P.S. Case No. 56 of 2018.

(Dinesh Kumar Singh, J)

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