

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20459 of 2019**

Arising Out of PS. Case No.-732 Year-2018 Thana- BUXAR District- Buxar

Sunil Kamkar @ Susheel Kamkar, Son of Late Baldeo Kamkar, Resident and
Post Office - Nadaon, P.S.- Buxar (M), District - Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar Roy

For the Opposite Party/s : Mrs. Veena Kumari Jaiswal

**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER**

2 03-04-2019 Heard learned counsels for the parties.

The petitioner is languishing in custody since 04.02.2019
in a case registered for the offences punishable under Sections
379 and 411 of the I.P.C.

The prosecution case as per the written report of Nirmal
Kumar Singh submitted to the SHO, Buxar (Nagar) Police
Station is to the effect that on 12.12.2018 at about 12.00 P.M.,
after parking his motorcycle near Geetanjali Hotel, the
informant went in saloon for shaving, but when he returned, he
found his motorcycle missing, leading to the registration of FIR
against unknown person. It is further alleged that though the
FIR was registered on 12.12.2018, but the motorcycle was
recovered on 03.02.2019 from the front of the house of one
Laxman Yadav and subsequently, Laxman Yadav suggested the
name of the petitioner.



It is submitted by learned counsel for the petitioner that the FIR was registered on 12.12.2018 and reached to the Court of learned CJM on 14.12.2018, but the seizure of the motorcycle was made on 03.02.2019 and thereafter it was transmitted to the learned Court below and it was added as a part of FIR on 04.02.2019, which is absolutely illegal. A statement has been made in paragraph no.3 of the petition that the petitioner is involved in one other case in which, he is on bail.

Learned APP submits that though the recovery has been made from the road in front of the house of Laxman Yadav, but it was parked by the petitioner.

Considering the fact that the seizure list does not suggest recovery from the conscious physical possession of the petitioner, let the petitioner above named 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 the learned **CJM, Buxar** in connection with **Buxar (Nagar) P.S. Case No.732 of 2018.**

(Dinesh Kumar Singh, J)

Deepak/Rahul/-

U		T	
---	--	---	--

