

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25163 of 2019

Arising Out of PS. Case No.-896 Year-2018 Thana- KOTWALI District- Patna

1. ATISH KUMAR S/o Dhiraj Goswami
2. Rahul Kumar S/o Bishnu Goswami
Both R/o Mohalla- Kamla Nehru Nagar, P.S.- Kotwali, District- Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pradhan Murli Manohar Prasad, Advocate
Mr. Raju Kumar, Advocate.
For the Opposite Party/s : Mr. Ram Bilash Roy 'Raman', A.P.P.

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 23-04-2019 Heard learned counsel for the petitioners and the
State.

The petitioners seek bail in **Kotwali P.S. Case No. 896 of 2018**, instituted for the offence under Section(s) 401, 411, 413, 414, 379 and 120(B) of Indian Penal Code pending in the court of learned Chief Judicial Magistrate, Patna.

It is alleged in the written report that police on confidential information that some accused persons have assembled at Samudayik Bhawan situated at Kamla Nehru Nagar dealing with stolen Motorcycle, reached the place of occurrence and found three boys in suspicious condition. On seeing the Police party, the boys started running away. On chase, one boy has been apprehended. He disclosed his name as



Manthan Kumar. He could not produce any paper with regard to Motorcycle recovered from his possession. He disclosed that he along with petitioners and other accused as named in the written report deal in sell and purchase of the stolen Motorcycle. He also disclosed that till date they have sold 150 stolen Motorcycles. It is further alleged that on the basis of disclosure made by Manthan Kumar, police raided the house of Golu @ Parwez and recovered 9 stolen Motorcycles from there. Petitioners along with four boys found present there. On demand of papers of aforesaid Motorcycles, they could not produce any paper. It is further alleged that police arrested petitioner No. 1 and on his statement, raid was conducted in the house of Md. Rizwan. On seeing the police party, three boys started running away. On chase, they have been apprehended. They disclosed their names as Md. Changu @ Md. Wasim, Dipak Kumar and Md. Rizwan Kureshi. The police recovered Motorcycle and Scooty as mentioned in the written report from the house of Md. Rizwan Kureshi. He could not produce any paper with regard to stolen Motorcycle and Scooty on demand.

Police prepared seizure list of the aforesaid Motorcycles.

The Sessions Judge has mentioned in the impugned



order that petitioners are accused in other four cases of similar nature. From the allegation in the written report it appears that petitioners along with other co-accused as mentioned in the written report are dealing with sell and purchase of the stolen Motorcycles.

Therefore, this Court is not inclined to grant bail to the petitioners at this stage.

Prayer of the petitioners for grant of bail stands rejected.

Petitioners are given liberty to renew their prayer for bail after framing of charge in the event no substantial progress is made in the trial.

(Sanjay Priya, J)

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