

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.10253 of 2020**

Arising Out of PS. Case No.-148 Year-2019 Thana- MUSAHARI District- Muzaffarpur

Badal @ Badal Kumar @ Chandra Mohan, aged about 30 years, Male, S/o  
Tapeshwar Sah Resident of Village- Sirajabad, P.S.- Sakra, Distt-  
Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Nachiketa Jha, Adv.

For the Opposite Party/s : Mr.Ramchandra Sahni

**CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY**  
**ORAL ORDER**

3      19-06-2020                      Heard learned counsel for the petitioner and learned  
counsel for the State through video conferencing.

In this case, the petitioner is seeking bail in  
connection with Mushahari P.S. Case No. 148 of 2019 registered  
for offences under sections 379, 411 of the Indian Penal Code.

In the present case, a Glamour motorcycle has been  
stolen. During investigation, the same was recovered from the  
house of the petitioner.

Learned counsel for the petitioner submits that  
First Information Report has been lodged on 6.6.2019, the  
seizure list has been prepared on 8.7.2019 and the same was  
received on 10.6.2019. He submits that the name of the  
petitioner is not mentioned in the first Information Report.



It does not stand to the reason as to how the name of the petitioner will be there when the First Information Report was lodged on 6.6.2019 and the Magistrate has received it on 10.6.2019 whereas the motorcycle was recovered in the month of July. So, the submission of the petitioner does not stand to be taken into consideration. At the same time, learned counsel for the petitioner submits that the First Information Report has been lodged against the unknown and the name of the petitioner has transpired during investigation when the motorcycle was seized from the petitioner. So this part of the argument has no leg to stand.

Another part of the learned counsel for the petitioner that in the seizure list, none of the family members was there. So, learned counsel for the petitioner submits that it has been seized by the police from the house. From the records, it appears that the seizure list bears the signature of the police official. If no one would come forward to put signature in the seizure list, then the police cannot compel a person to put his signature but, from the records it appears that one Tarachandra Prasad and one another person have been shown to be the witnesses of recovery in the seizure list as independent persons. So, this part of the argument has also no leg to stand.



The petitioner is languishing in judicial custody since 21.9.2019.

The petitioner has got criminal antecedent as has been stated in paragraph no.3 of the present bail application.

Looking to the entire facts and circumstances of the case as also the petitioner having criminal antecedent, this Court is not inclined to grant bail to the petitioner.

Accordingly, the prayer for bail of the petitioner, above named, is rejected with a liberty to renew his prayer for bail after completion of one year of his judicial custody.

**(Shivaji Pandey, J)**

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