

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9677 of 2020**

Arising Out of PS. Case No.-526 Year-2019 Thana- KISHANGANJ District- Kishanganj

Md. Sahnawaz @ Shahanwaz, Male, aged about 22 years, S/o Aminuddin @
Md. Aminuddin, R/o village- Bhoradah, P.S.- Bahadurganj, District-
Kishanganj.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raj Kumar

For the Opposite Party/s : Mr.Suresh Prasad Singh

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER**

3 02-06-2020 Heard both sides through video conferencing.

The petitioner seeks bail in Kishanganj P.S. Case
No.526 of 2019, registered under Section 379 of the Indian Penal
Code.

The motorcycle of the informant was stolen from in
front of the IDBI Bank. The informant lodged the case against
unknown. During the course of investigation, the name of the
petitioner surfaced in the case.

Learned counsel for the petitioner submits that nothing
has been recovered from possession of the petitioner. The learned
Sessions Judge has recorded the finding that from perusal of para
20 to 26 of the case diary, it appears that the said stolen
motorcycle has been recovered from possession of the petitioner
but the petitioner has annexed Annexure-2, the seizure list and on



perusal of the seizure list, it would appear that the recovery was made from Garib Nawaz Chowk and not from the possession of the petitioner. The finding of the learned Sessions Judge with regard to recovery of the motorcycle is erroneous. The petitioner is in jail since 01.11.2019 on the ground that the petitioner has got criminal antecedents and he is accused in as many as seven criminal cases.

The learned Additional P.P. however, opposed the prayer for bail

Taking into consideration the facts that the stolen motorcycle has not been recovered from possession of the petitioner as it appears from perusal of the seizure list, Annexure-2, and the petitioner is in jail since 01.11.2019, the petitioner, above named, is directed to be enlarged 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 Chief Judicial Magistrate, Kishanganj in connection with Kishanganj P.S. Case No.526 of 2019.

(Prabhat Kumar Jha, J)

S.KUMAR/-

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