

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3661 of 2022

Arising Out of PS. Case No.-530 Year-2021 Thana- GOGRI District- Khagaria

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1. AWADHESH KUMAR Son of Gulab Yadav Resident of Village - Bahadurpur, P.s.- Gogari, Distt.- Khagari.
 2. Sanjeet Kumar Son of Ramchandra Yadav Resident of Village - Bahadurpur, P.s.- Gogari, Distt.- Khagari.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar Singh, Advocate
For the Opposite Party/s : Mr. Madan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 06-09-2022 Heard learned counsel appearing on behalf of the petitioners and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period of four weeks from today.

The petitioners seek bail in connection with Gogari P.S. Case No. 530 of 2021 registered for the offence under Sections 414 of the Indian Penal Code.

The accused/petitioners are named in the F.I.R. and are in custody since 16.11.2021.

The allegation against the petitioners are to have in possession of stolen motorcycle without registration number, where, petitioner failed to produce documents in favour of his ownership.

Learned counsel appearing on behalf of the petitioners submitted that recovery of alleged motorcycle was not made from



conscious physical possession of the petitioners, as same was jointly occupied by other co-accused persons. It is also submitted that seizure list is disputed, as the same is not supported by the independent witnesses rather by Home Guard personnels. It is also submitted that petitioners are man of clean antecedent. While concluding the argument, it is submitted that investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing for the State, opposes the prayer for bail.

Considering the facts and circumstances as mentioned above, as seizure list appears doubtful for the reason that same is not supported by the independent witnesses coupled with the fact that charge-sheet has already been submitted, let both the petitioners, above named, are directed to be released on bail in connection with Gogari P.S. Case No. 530 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Khagaria/concerned court, subject to the condition as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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