

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7110 of 2022**

Arising Out of PS. Case No.-175 Year-2021 Thana- KUTUMBA District- Aurangabad

Wakil Paswan Son of Vijay Paswan Resident of Village - Simri Bala, P.s.-
Kutumba, Distt.- Aurangabad (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar

For the Opposite Party/s : Mr. Parmanand Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

2 22-06-2022 Heard learned counsel appearing on behalf of the
petitioner 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 petitioner seeks bail in connection with Kutumba
P.S. Case No. 175 of 2021 registered for the offence under
Sections 414 and 34 of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in
custody since 27.10.2021.

The allegation against the petitioner is to have in
possession of four stolen motorcycle.

Learned counsel appearing on behalf of the petitioner
submitted that the alleged four motorcycle, which claimed to be
stolen, is in process of transfer from the competent authority, as
the same was purchased by the family members of the



petitioner. It has further been submitted that the owner of the motorcycles, explained through their affidavit, that seized motorcycles have already sold to the family members of the petitioner and moreover, the alleged recovery is from the veranda of the joint house and cannot be said from the conscious physical possession of the petitioner. It has further been submitted that the investigation in this case is complete, for which chargesheet has already been submitted in this case, as such there is no chance of tampering with the evidence. While concluding the argument, it has also been submitted that the petitioner is involved in one another case of similar nature in which he is on bail.

Learned APP appearing on behalf of the State while opposing the prayer of bail fairly conceded that the informant of the case is not the owner of the vehicles.

Considering the facts and circumstances as mentioned above, the recovery of alleged stolen motorcycles is from the joint house of the petitioner occupied by other family members coupled with the fact that chargesheet has already been submitted in this case, let the petitioner, above named, is directed to be released on bail in connection with Kutumba P.S. Case No. 175 of 2021 on furnishing bail bond of



Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Aurangabad (Bihar), subject to the following conditions:

“(i) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(ii) That one of the bailors shall be Rahul Kumar Paswan, who is the brother of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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