

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7308 of 2022

Arising Out of PS. Case No.-75 Year-2020 Thana- SIWAIPATTI District- Muzaffarpur

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ALOK KUMAR @ GOLU KUMAR JHA SON OF DHRVA JHA @ DHRUP
JHA R/O VILLAGE- MANGIYA DHARAMAPUR, P.S.- SIWAIPATTI,
DISTRICT- MUZAFFARPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Alok Kumar Alok, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 20-07-2022 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 Siwaipatti
P.S. Case No. 75 of 2020 registered for the offence under
Sections 25(1-b)a, 26 and 35 of the Arms Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 08.07.2020.

The allegation against the petitioner is to have in
possession of stolen motorcycle and also of illegal fire arms.

Learned counsel appearing on behalf of the petitioner
submitted that petitioner has falsely been implicated in the



present case and recovery of motorcycle is not in terms of law for the reason that seizure list is also disputed which clearly shows that compliance of mandatory provision of Section 100 Cr.P.C. was not complied with. It has further been submitted that petitioner is involved in 05 other criminal cases, out of which, he is on bail in 03 cases. It has further been submitted that similarly situated co-accused person has already been granted bail by one of the learned co-ordinate Bench of this Court through Cr. Misc. No. 18249 of 2021 dated 02.11.2021. While concluding the argument, it has been 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, while opposing the prayer of bail, fairly conceded the fact that recovery of alleged motorcycle has not been made from physical possession of the petitioner.

Considering the facts and circumstances as mentioned above, as it does not appear, *prima-facie*, from seizure list that stolen motorcycle has been recovered from the conscious physical possession of the petitioner coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection



with Siwaipatti P.S. Case No. 75 of 2020 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Muzaffarpur, subject to the following conditions:

“(i) That petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) 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.

(iii) That one of the bailors shall be Babita Devi, who is the mother of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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