

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14128 of 2022

Arising Out of PS. Case No.-546 Year-2021 Thana- MUFFASIL District- West Champaran

Rajesh Sah Son of Lalan Sah Resident of Village - Naya Tola Basti Sanichari,
P.s.- Sanichari, Distt.- W. Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhannjay Kumar No 2
For the Opposite Party/s : Mr. Choubey Jawahar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 18-07-2022 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 Bettiah
(M) P.S. Case No. 546 of 2021 registered for the offence under
Sections 413, 414, 420, 467, 468 and 471 of the Indian Penal
Code.

The accused/petitioner is named in the F.I.R. and is in
custody since 23.03.2020.

The allegation against the petitioner is to have in
possession of stolen Scorpio vehicle bearing Registration
No.BR01PG-6811, with tampered/erased the Chasis number and
engine number of the said vehicle.



Learned counsel appearing on behalf of the petitioner submitted that petitioner handed over the alleged vehicle to the owners of garage, who is also co-accused in the present case, namely Pintu Kumar Sharma. It has further been submitted that admittedly, recovery has not been made from conscious physical possession of the petitioner and nothing surfaced during course of the investigation, which may suggest that the tampering or erasing of Chasis number / engine number was done by the petitioner. It has further been submitted that alleged car was handed over to the petitioner by Lal Babu Sah being maternal uncle, as per FIR, where registration certificate stands in the name of one Mohd. Sahnawaz Pravez, but no statement of Mohd. Sahnawaz Pravez has been recorded during course of investigation. While concluding the argument, it has been submitted that investigation has been completed, for which, charge-sheet has already been submitted in this case, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded the fact that the recovery has not been made from physical possession of the petitioner.

Considering the facts and circumstances as mentioned above, as the alleged vehicle stolen has not been recovered from



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 Bettiah (M) P.S. Case No. 546 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 C.J.M. Bettiah West Champaran at Bettiah, 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 Lalan Sah, who is the Father of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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