

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24014 of 2021

Arising Out of PS. Case No.-522 Year-2020 Thana- BARACHATTI District- Gaya

RAKESH KUMAR @ RAKESH YADAV S/o Mahavir Yadav R/o village-
Bara, P.S.- Mohanpur, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sudhir Kumar Sinha, Advocate

For the Opposite Party/s : Mr. APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 13-01-2022 Heard Mr. Sudhir Kumar Sinha, learned
Advocate for the petitioner and the learned APP for the
State.

The petitioner seeks bail in anticipation of his
arrest in connection with Barachatti (Mohanpur) P.S.
Case No. 522 of 2020 dated 28.08.2020 instituted for
the offence under Section 414 of the Indian Penal Code.

On secret information that the petitioner is
riding a stolen motorcycle, a raid was conducted. A
motorcycle is said to have been recovered from near the
house of the petitioner. Assuming it to be a stolen
motorcycle, the aforesaid case has been registered under
Section 414 IPC.

Learned counsel for the petitioner has
submitted that the recovery is from near the house of



the petitioner but such recovery cannot be said to be from the constructive possession of the petitioner. There is nothing on record to indicate that the vehicle in question is a stolen property. However, the petitioner is not making any statement regarding the same, as he does not own the motorcycle.

Apart from this, it has been stated that the petitioner does not have criminal antecedents and his implication in this case is only on the basis of suspicion harboured by the local police.

Considering the aforementioned submissions, the petitioner is directed to be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, Sherghati, Gaya in connection with Barachatti (Mohanpur) P.S. Case No. 522 of 2020, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Ashutosh Kumar, J)

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