

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17092 of 2022

Arising Out of PS. Case No.-382 Year-2021 Thana- KORHA District- Katihar

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Tinku Kumar Son of Dinesh Mehta Resident of Village - Jhitkia, P.s.- Korha,
Distt.- Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Singh, Advocate

For the Opposite Party/s : Mr. Brajendra Nath Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 19-07-2022 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 Korha
P.S. Case No. 382 of 2021 registered for the offence under
Sections 414, 411, 413 and 34 of the Indian Penal Code and
Sections 25(1-a-a), 26 an 35 of the Arms Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 01.09.2021.

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

Learned counsel appearing on behalf of the petitioner
submitted that petitioner is law abiding person and is a man of



clean antecedent. It is submitted that the alleged recovery of motorcycle and alleged fire arm is from the house of the petitioner, which is jointly occupied by other family members, as such, it cannot be said to be recovered from the conscious physical possession of the petitioner. It is submitted that petitioner is a differently abled person and it appears that it is improbable for him to be involved in such occurrence. While concluding the argument, it is submitted that investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State, while opposing the prayer of bail, fairly conceded that the recovery of alleged motorcycle and fire arm is from the house of the petitioner.

Considering the facts and circumstances as mentioned above, as recovery of stolen motorcycle and fire arm is not appearing, *prima faice*, from the conscious physical possession of the petitioner, who is a man of clean antecedent coupled with the fact that chargesheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Korha P.S. Case No. 382 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, Katihar/concerned Court, 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 Vidhan Kumar, who is the brother-in-law of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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