

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29325 of 2022

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

Vijay Paswan Son of Late Balkeshwar Paswan R/O Village- Simri Bala, P.S.-
Kutumba, District- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amit Anand, Advocate
For the Opposite Party/s : Mr. Arun Kumar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 14-09-2022 Heard learned counsel appearing on behalf of the
petitioner and learned APP 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 25.12.2021.

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, as explained through their affidavit, have already been sold the seized motorcycles to the family members of the petitioner and, moreover, the alleged recovery was made from the veranda of the joint house, as such, it cannot be said that recovery was made from the conscious physical possession of the petitioner. 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 the fact that informant of this case is not the owner of the motorcycles.

In view of the facts and circumstances, as mentioned above, as the recovery of alleged stolen motorcycles was from the joint house of the petitioner, occupied by other family members 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 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/concerned Court, subject to the conditions as laid down u/s 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

Ankit/-

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