

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41380 of 2021

Arising Out of PS. Case No.-172 Year-2021 Thana- SARAIYA District- Muzaffarpur

RAVI RAJ S/O LATE RAM ANUGRAH PRASAD SINGH R/O VILLAGE-
CHHOTA TELPA, P.S.-CHAPRA TOWN, DISTRICT-SARAN AT
CHAPRA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar, Advocate
For the Opposite Party/s : Mr.Md. Aslam Ansari, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 29-01-2022

Heard the parties through video conferencing.

Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. for the State.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

The petitioner, who is in custody since 03.03.2021,
seeks regular bail in connection with Saraiya (Jaitpur O.P) P.S. Case
No. 172 of 2021, for the offence punishable under Section 414/34 of
the Indian Penal Code and Section 25(1-b), 26 and 35 of the Arms
Act.

The prosecution case, in brief, is that in course of
vehicle checking, the informant along with other Police party
apprehended the petitioner along with other persons and on
search, one motorcycle bearing registration No. BR-04Y-4353 and a
mobile phone were recovered from the possession of the petitioner,



arms were also recovered from the possession of other co-accused Dharendra Pandey and Abhisekh Kumar.

Learned counsel appearing on behalf of the petitioner submits that he he has filed an affidavit duly sworn by him stating therein that the said vehicle, which has been recovered from his possession belongs to one Santosh Kumar and he purchased the same from him, which has been brought on record vide affidavit dated 10.12.2019 duly sworn by him.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner. He further submits that since the petitioner has not made available the papers relating to the aforesaid motorcycle, the petitioner was apprehended and from the affidavit it cannot be shown that the said motorcycle after purchasing the same, the petitioner has applied for getting it transferred and registered in his name.

Considering the above mentioned facts and circumstances of the case, the Court below is directed to notice the Oath Commissioner, who had prepared Affidavit bearing No. 10616 as well as genuinity of the sale note duly executed by the seller of the said motorcycle, namely, Santosh Kumar, who is of Mohalla-Taikna, P.O. Bhadaura, P.S. Bhadaura, District-Saran and pass a reasoned order with respect to the aforesaid affidavit as well as sale note in which no consideration amount has been mentioned and on such findings, if the learned Court below finds it proper that



nothing has been suppressed and the documents are valid, the petitioner, above named, be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M-IV, Muzaffarpur in connection with Saraiya (Jaitpur O.P) P.S. Case No. 172 of 2021, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

(Purnendu Singh, J)

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