

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35137 of 2022

Arising Out of PS. Case No.-205 Year-2022 Thana- SIKARPUR District- West Champaran

Raju Mian Son of Noorhoda Mian Resident of village - Kukra, P.S. -
Shikarpur, District - West Champaran

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anant Kumar Mishra, Advocate.

For the Opposite Party/s : Mrs. Sangeeta Sharma, APP.

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 16-09-2022 The Case is heard through video conferencing.

The learned counsel for the petitioner is directed to remove all the defects pointed out by the Stamp Reporter within one month.

Mr. Anant Kumar Mishra, learned counsel for the petitioner and Mrs. Sangeeta Sharma, learned APP for the State are present.

Petitioner seeks regular bail in connection with Shikarpur P.S. case no. 205 of 2022 registered for the offence punishable under Section 414 of the Indian Penal Code.

As per the prosecution, the police got the information that the petitioner was having a stolen motorcycle in his possession, then the police reached at the house of the petitioner and found this petitioner standing near a motorcycle which was



parked outside the house of the petitioner and on seeing the police party petitioner made an attempt to flee but he was apprehended and he could not produce the relevant documents to justify his possession over the alleged motorcycle which was recovered from the outside of his house and then he was arrested and the said motorcycle was suspected to be stolen and as per the prosecution the registration and engine number reflecting on the alleged motorcycle were not legible and the same might have been manipulated.

The main submissions advanced by Mr. Anant Kumar Mishra, learned counsel for the petitioner are that the petitioner has clean antecedent and he had no concern with the alleged recovered motorcycle and the same was recovered from outside of the petitioner's house and not from the conscious possession of this petitioner and the seizure list of the said recovered motorcycle does not contain the signature of this petitioner. Further submission is that the petitioner has been languishing in jail since 11.3.2022.

Mrs. Sangeeta Sharma, learned APP has opposed the prayer for bail.

In view of the above submissions and mainly considering the petitioner's clean antecedent and also the fact



that the alleged offence is triable by the magisterial Court and against the petitioner the investigation has been completed and the petitioner has raised a serious doubt in respect of the seizure list relating to the alleged recovered motorcycle on the basis of petitioner's signature not being available on the said list, and also taking into account the petitioner's custody period, in the opinion of this Court, a lenient approach can be taken in respect of petitioner's prayer, let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of concerned Court in connection with Shikarpur P.S. case No. 205 of 2022 on the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court below and shall remain physically present as directed by the Court below and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

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

(3) One of the bailers shall be a close relative of the



petitioner who has sworn affidavit in this miscellaneous petition.

(4) The Court below will verify the criminal antecedent of the petitioner but acceptance of bail bond will not be delayed on account of process of verification of the said criminal antecedent. If any criminal antecedent of the petitioner is found then the Court below shall take serious action against him for cancellation of his bail bond.

(Shailendra Singh, J)

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