

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40342 of 2022**

Arising Out of PS. Case No.-122 Year-2022 Thana- VAISHALI District- Vaishali

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Gautam Kumar Son of Umakant Ram Resident of village- Bhagwanpur Ratti
P.S- Vaishali, Dist- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nityanand, Advocate
For the Opposite Party/s : Ms. Sharda Kumari, APP

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

3 19-11-2022 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 Vaishali P.S.
Case No. 122 of 2022 registered for the offence under Sections 379
and 411 of the Indian Penal Code.

The accused/petitioner is not named in the F.I.R. and is in
custody since 15.04.2022.

The allegation against the petitioner is to have in
possession of one stolen motorcycle for which petitioner failed to
produce the relevant documents in proof of ownership.

Learned counsel appearing on behalf of the petitioner
submitted that the alleged stolen motorcycle was recovered from the
house of this petitioner, which is occupied by other family members



and, as such, it cannot be said that recovery of alleged motorcycle was made from the conscious physical possession of this petitioner. It is further submitted that the compliance of Section 100 of the Cr.P.C. was not made in the present case. While concluding the argument, it has been submitted that petitioner is a man of clean antecedent and moreover, investigation has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as recovery of stolen motorcycle not appears to be made from the conscious physical possession of this petitioner coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Vaishali P.S. Case No. 122 of 2022 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, Vaishali at Hajipur/concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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