

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44658 of 2022

Arising Out of PS. Case No.-80 Year-2022 Thana- CHARPOKHARI District- Bhojpur

AKHILESH YADAV Son of Ramishwar Singh Resident of Village - Balihari,
P.S.- Charpokhari, District - Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Uday Pratap Singh, Advocate

For the Opposite Party/s : Mr. Ganesh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 15-12-2022 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 Charpokhari
P.S. Case No. 80 of 2022 registered for the offence under Section 414
of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in
custody since 04.05.2022.

The allegation against the petitioner is to have in
possession of one stolen motorcycle with a description as available in
seizure list.

Learned counsel appearing on behalf of the petitioner
submitted that due to misunderstanding of the fact, as petitioner was
standing near to motorcycle, which was parked on road, the



petitioner was implicated in this case. It is also submitted that seizure list is disputed being not supported by independent witnesses rather by Bihar Home Guard personnels. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and moreover, investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, appearing on behalf of the State, opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as seizure list appears doubtful being not supported by independent witnesses, where, petitioner is in custody since 04.05.2022 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 Charpokhari P.S. Case No. 80 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 C.J.M., Bhojpur at Ara/concerned court, subject to the condition as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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