

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56095 of 2021

Arising Out of PS. Case No.-37 Year-2021 Thana- BAHADURGANJ District- Kishanganj

Babu Saheb S/O Tazemul Husain @ Tazemul Alam R/O Village-Barijan
Nadipar, P.S-Kochadhaman, District-Kishanganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amal Kumar Sinha, Adv

For the Opposite Party/s : Mr.Narsingh Tanti, APP

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

2 29-03-2022 Heard learned counsel for the parties.

Petitioner seeks bail in a case registered for the offence punishable under Sections 419, 420, 467, 468, 413 and 414 of the Indian Penal Code.

The prosecution case, in brief, is that on secret information, the informant, who is SHO, Bahadurganj reached at Lehila Chowk at 17 O'clock alongwith the raiding team, three persons standing along with motorcycles started to flee away, but on chase two of them were apprehended and one succeeded to flee away. The apprehended accused disclosed his name as Babu Saheb from whose possession a red colour Honda Shine motorcycle bearing Registration No. BR 37H 3720 was recovered and another apprehended disclosed his name as Md. Samim (petitioner) from whose possession an unnumbered



black blue colour glamour motorcycle was recovered. They also disclosed the name of their fleeing accomplice as Md. Saddam. On their disclosure, the police raided house of many other accused persons and recovered many stolen motorcycles and other incriminating materials.

Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and he has falsely been implicated in this case merely on suspicion. Nothing has been recovered from conscious possession of the petitioner. Recovery of an unnumbered motorcycle from the possession of the petitioner is false and concocted. He further submits that the seizure list has not been prepared in accordance with law as the seizure list is dated 08.02.2021, on which Bahadurganj P.S. Case No. 37 of 2021 dated 09.02.2021 has been mentioned. Hence there is infirmity in conduct of investigation by the investigating officer. Similarly situated co-accused person has been granted bail by a co-ordinate bench of this Court vide order dated 28.02.2021 in Criminal Miscellaneous No. 39730 of 2021. Petitioner has got no criminal antecedent and is in custody since 10.02.2021.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail upon



furnishing bail bond of Rs. 20,000/- with two sureties of the like amount each to the satisfaction of learned court below where the case is pending, in connection with **Bahadurganj P.S. Case No. 37 of 2021**, with following conditions:-

(1) Both the bailors shall be the resident of territorial jurisdiction of the learned court-below.

(2) The petitioners shall fully cooperate with the investigation / trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the petitioner.

(S. Kumar, J)

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