

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54543 of 2022

Arising Out of PS. Case No.-113 Year-2022 Thana- SHAMBHUGANJ District- Banka

Dilkush Yadav son of murlidhar yadav r/v- domodih, p.s- fullidumar, dist-
banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 40258 of 2022

Arising Out of PS. Case No.-113 Year-2022 Thana- SHAMBHUGANJ District- Banka

Abhishek Kumar S/O Ramlal Yadav resident of village- domodih, p.o.-
Kumarpur, P.S.- Fullidumar, District- Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 54543 of 2022)

For the Petitioner/s : Mr.Ranjan Kumar Jha, Advocate

For the Opposite Party/s : Mr.Kumar Ranjit Ranjan, APP

(In CRIMINAL MISCELLANEOUS No. 40258 of 2022)

For the Petitioner/s : Mr.Anirudh Mishra, Advocate

For the Opposite Party/s : Mr.Nawal Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 22-12-2022

(In Cr. Misc. No. 54543 of 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



Shambhuganj P.S. Case No. 113 of 2022 registered for the offence under Sections 401, 379 and 411 of the I.P.C.

The accused/petitioner is named in the F.I.R. and is in custody since 13.07.2022.

The allegation against the petitioner is to have in possession of the stolen property, with further allegation to deal thereof habitually.

Learned counsel appearing on behalf of the petitioner submitted that no stolen motorcycle, as alleged was recovered from the possession of this petitioner, who is a man of clean antecedent. It is further submitted that the name of petitioner surfaced on the basis of self-confession, in furtherance of which no incriminating material recovered, which may connect the petitioner with present stolen motorcycle. It is also submitted that alleged stolen motorcycle was recovered from the possession of co-accused, namely, Fantus Yadav, who has already been granted bail by one of the learned Co-ordinate Bench of this Court through Cr. Misc. No. 36068 of 2022, vide order dated 20.09.2022. While concluding the argument, it has been submitted that investigation of this case is 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 alleged stolen motorcycle was not recovered from the possession of this petitioner coupled with the fact that charge-sheet has been submitted, let the petitioner, above named, is directed to be released on bail in connection with Shambhuganj P.S. Case No. 113 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 J.M.- I Class, Banka/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(In Cr. Misc. No. 40258 of 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 Shambhuganj P.S. Case No. 113 of 2022 registered for the offence under Sections 401, 379 and 411 of the I.P.C.

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



custody since 06.05.2022.

The allegation against the petitioner is to have in possession of the stolen property, with further allegation to deal thereof habitually.

Learned counsel appearing on behalf of the petitioner submitted that no stolen motorcycle, as alleged was recovered from the possession of this petitioner, who is a man of clean antecedent. It is further submitted that the name of petitioner surfaced on the basis of self-confession, in furtherance of which no incriminating material recovered, which may connect the petitioner with present stolen motorcycle. It is also submitted that alleged stolen motorcycle was recovered from the possession of co-accused, namely, Fantush Yadav, who has already been granted bail by one of the learned Co-ordinate Bench of this Court through Cr. Misc. No. 36068 of 2022, vide order dated 20.09.2022. While concluding the argument, it has been submitted that investigation of this case is 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 alleged stolen motorcycle was not recovered from the



possession of this petitioner coupled with the fact that charge-sheet has been submitted, let the petitioner, above named, is directed to be released on bail in connection with Shambhuganj P.S. Case No. 113 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 A.C.J.M.- IV, Banka/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

Archana/-

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