

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55139 of 2022

Arising Out of PS. Case No.-275 Year-2022 Thana- KAUWAKOL District- Nawada

SUBHASH SAO S/o Ramchandra Saw R/V- Pali, P.S.- Kawakole, Distt-
Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Umeshanand Pandit, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 25-11-2022 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner apprehends his arrest in a case registered for the offences punishable under Section 414 of the Indian Penal Code.

The informant alleges that on information the house of the petitioner was raided but the petitioner was not found in the house but a stolen motorcycle was recovered in presence of his father who was not able to produce the document relating to the vehicle.

Learned counsel for the petitioner submits that the petitioner has antecedent of one case and has been falsely implicated in the present case, it is next submitted from



perusal of the seizure list it would manifest that the same does not bear the signature of the father of the petitioner when it is an admitted fact that when the house was raided the father of the petitioner was present in the house, it is further submitted that even the independent witness who have signed on the seizure list have later resiled and have filed a petition in the Court of learned District and Session Judge, Nawada, stating that the alleged motorcycle was not recovered from the house of the petitioner, this further creates doubt with regard to the veracity of the allegation.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner and submits that from the FIR it is clear that the motorcycle was recovered from the house of the petitioner, it is also submitted that if the police wanted to falsely implicate they could have easily implicated the father of the petitioner who was present in the house.

Learned counsel for the petitioner rebuts the submission and submits that the petitioner is not evading the law rather he will cooperate in the investigation and will present himself as and when required by the investigating



officer of the case for arriving at the truth as even the seizure list witnesses have also not supported the prosecution case.

Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Kowakole P.S. Case No. 275 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

One of the bailor shall be the father of the petitioner Ramchandra Saw.

Further, if the investigating officer of the case files an application before the learned trial Court bringing to its notice that the petitioner despite giving assurance to this Court that he will cooperate in the investigation, is not cooperating or does not appear when called for, the learned trial Court after hearing the petitioner shall forthwith cancel



his bail bonds and take all coercive steps to ensure that petitioner is behind bars.

The learned trial Court is directed to send a copy of this Order to the concerned P.S.

(Satyavrat Verma, J)

GauravSinha/-

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