

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24519 of 2023

Arising Out of PS. Case No.-43 Year-2023 Thana- AMARPUR District- Banka

Deepak Kumar Singh @ Dipak Kumar Singh, Son of Late Shambhu Prasad Singh, R/o Village- Kamdeopur, P.S.- Amarpur, District- Banka

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Damodar Prasad Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 10-08-2023 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

2. The accused/petitioner seeks bail in connection with Amarpur P.S. Case No.43 of 2023 registered for the offence punishable under Section 379 of the Indian Penal Code.

3. The accused/petitioner is not named in the FIR and is in custody since 31.01.2023.

4. Allegation against the petitioner is to have in possession of stolen TVS moped.

5. it is submitted by learned counsel that nothing surfaced during the course of investigation, which may suggest that petitioner was under knowledge that alleged TVS moped was stolen property and, as such, it cannot be said that same was recovered from his conscious physical possession. It is further submitted that as per seizure list, it was shown to be recovered



from village-Dumrama. Learned counsel further submitted that the seizure list also appears to be doubtful being not supported by independent witnesses rather by police personnel. While concluding argument, it is submitted that the petitioner is a man of clean antecedent and moreover investigation of this case has been completed for which, charge-sheet has been submitted and, as such, there is no chance of tampering with the evidence.

6. Learned APP opposes the prayer for grant of bail to the petitioner.

7. In view of above-mentioned facts and circumstances, as seizure list appears doubtful being not supported by independent witnesses, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 31.01.2023, accordingly, the petitioner, above-named, is directed to be released on bail furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Banka in connection with Amarpur P.S. Case No.43 of 2023, subject to the conditions as laid down under Section 437(3) of the CrPC.

(Chandra Shekhar Jha, J.)

Sanjeet/-

U		T	
---	--	---	--

