

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30938 of 2023

Arising Out of PS. Case No.-51 Year-2023 Thana- ARWAL District- Jehanabad

Abhijeet Kumar Son of Ajeet Verma @ Ajit Kumar Resident of Village-
Baruhi, P.S.-Sahaar, District-Bhojpur(Ara)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhaskar Shankar, Advocate

For the Opposite Party/s : Mrs. Asha Devi, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA

ORAL ORDER

2 04-07-2023 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 Arwal
P.S. Case No. 51 of 2023 registered for the offence under
Section 414/34 of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in
custody since 26.01.2023.

The allegation against this petitioner is to found in
possession of stolen motorcycle alongwith other co-accused



persons.

Learned counsel appearing on behalf of the petitioner submitted that the alleged motorcycle was jointly occupied and as such it cannot be said that same was recovered from the conscious physical possession of this petitioner, who is a man of clean antecedent. It is submitted that seizure list also appears doubtful being not supported by independent witnesses, rather by police personnels. While concluding the argument, it has been submitted that investigation of this case is completed, for which charge-sheet has already 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 recovery of stolen motorcycle not appears to be made from conscious physical possession of this petitioner, where 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 26.01.2023, accordingly the petitioner, above named, is directed to be released on bail in connection with Arwal P.S. Case No. 51 of 2023 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the



satisfaction of learned Judicial Magistrate 1st Class,
Arwal/concerned Court, subject to the conditions as mentioned
under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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