

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38209 of 2023

Arising Out of PS. Case No.-132 Year-2023 Thana- DUMRAO District- Buxar

SURAJ SINGH Son of Gudal Singh R/O Village - Naya Bhojpur, Chowk K
Pas, P.S.- Naya Bhojpur O.P., District - Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Ms. Anita Kumari, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 12-07-2023 Heard learned counsel appearing on behalf of the
parties.

The petitioner seeks bail in connection with Dumraon
P.S. Case No.132 of 2023 registered for the offence under
Sections 399, 401, 402, 467, 468, 120B, 411, 412, 414/34 of the
Indian Penal Code and Sections 25(1-b)a, 26 and 35 of the Arms
Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 20.03.2023.

The allegation against the petitioner is to involved in
preparation for dacoity, along with other co-accused persons and
while doing so, he was found in possession of two stolen
motorcycles, where, other co-accused persons were alleged to
found in possession of firearms also.



Learned counsel appearing on behalf of the petitioner submitted that merely on the ground of recovery of stolen motorcycles, it cannot be said that petitioner was involved in preparation for committing, as the offence alleged have no support of legal ingredients as to established a *prima facie* case. It is submitted that said stolen motorcycles was alleged to be recovered from the road, which is an open place and accessible to general public and it cannot be said that recovery was made from possession of this petitioner. It is submitted that seizure list is not supported by independent witnesses, rather same is supported by police personnels. While concluding the argument, it is submitted that petitioner found involved in 01 more criminal case, where, he is on bail and moreover, 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 appearing on behalf of the State, opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as alleged stolen motorcycles were recovered from open place coupled with the fact that charge-sheet has already submitted, where, petitioner is in custody since 20.03.2023, let



the petitioner, above named, is directed to be released on bail in connection with Dumraon P.S. Case No.132 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 Chief Judicial Magistrate, Buxar/concerned court, subject to the condition as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

S.Katyayan/-

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

