

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47240 of 2023

Arising Out of PS. Case No.-303 Year-2023 Thana- AURANGABAD TOWN District-
Aurangabad

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1. Rahul Kumar S/O Vijay Ram R/O Village- Bel Bigha, Ps. Madanpur, Dist.Aurangabad (BIHAR)
 2. Deepak Kumar S/O Kamesh Ram R/O Village- Bel Bigha, Ps. Madanpur, Dist.Aurangabad (BIHAR)

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailesh Kumar Singh, Advocate

For the Opposite Party/s : Mr. Ram Anurag Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 07-08-2023 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

2. After short argument, learned counsel appearing on
behalf of the petitioners seek permission to withdraw the prayer
of bail of petitioner no. 1, namely, Rahul Kumar, as he found
juvenile.

3. Request allowed.

4. Accordingly, the prayer of bail of petitioner no. 1,
namely, Rahul Kumar stands dismissed as withdrawn.

5. Now, the present bail petition is limited with
petitioner no. 2, namely, Deepak Kumar only.

6. The petitioner seeks bail in connection with



Aurangabad Town P.S. Case No. 303 of 2023 registered for the offence under Sections 401, 413, 414, 420, 467, 468/34 of the Indian Penal Code.

7. The accused/petitioner is named in the F.I.R. and is in custody since 26.04.2023.

8. The allegation against the petitioner is to have in possession of one stolen motorcycle bearing registration no. BR02AB1047.

9. Learned counsel appearing on behalf of the petitioner submitted that the present stolen motorcycle was given to petitioner by his friend, namely, Prince Kumar as per F.I.R. for a pleasure ride and as such, while he was going to his college, was apprehended by police personnels. It is submitted that nothing surfaced during the course of investigation, which may suggest that petitioner was aware about the fact that the alleged motorcycle was stolen and, as such, it cannot be said that recovery was made from conscious physical possession of this petitioner, who is otherwise a man of clean antecedent and a college-going student. While concluding the argument, it has been submitted that investigation of this case has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.



10. Learned APP opposes the prayer of bail.

11. Considering the facts and circumstances as mentioned above and by taking note of nature of allegation as motorcycle in issue was provided to this petitioner by co-accused Prince Kumar coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 26.04.2023, accordingly, above named petitioner is directed to be released on bail in connection with Aurangabad Town P.S. Case No. 303 of 2023 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Aurangabad/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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