

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46921 of 2022

Arising Out of PS. Case No.-192 Year-2022 Thana- SASARAM NAGAR District- Rohtas

SANJAY BIND @ SANJAY KUMAR BIND S/O JHAMLAL BIND Resident
of village- Mubarakganj, P.S.- Sasaram (T), District- Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Nawal Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 03-01-2023 Heard learned counsel for the petitioner and the State.

The petitioner apprehends his arrest in connection with Sasaram(T) P.S. Case No. 192 of 2022 for the offence registered under Sections 413 and 414 of the Indian Penal Code.

As per the FIR, the police upon secret information was on patrolling and during the vehicle checking, a person coming on motorcycle tried to escape but was apprehended. He gave his name as Raj Kumar and as he failed to produce any document relating to the motorcycle, the same was seized. He further confessed that another motorcycle is being hidden at the house of petitioner, Sanjay Bind. Accordingly, his house was also raided and it is alleged that although the petitioner managed to escape in the '*varanda*' of the house, a motorcycle was recovered.



Learned counsel for the petitioner submits that the recovery is outside his house and he was not present in the house. There is nothing on record to show that the motorcycle seized was genuine or a stolen one. He further submits that he do not have criminal antecedent and as such, he deserves anticipatory bail.

Learned APP for the State, on the other hand, submits that it has been seized from the '*varanda*' of the house of the petitioner.

Taking into account the fact that the recovery/seizure is outside the house, from the FIR it is not clear whether the motorcycle seized was a stolen one, he do not have criminal antecedent, this Court is inclined to grant him relief. If however, it is found that he do have criminal antecedent, this order shall become infructuous.

Let the petitioner in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned C.J.M., Sasaram, District- Rohtas in connection with Sasaram (Nagar) P.S. Case No. 192 of 2022 District- Rohtas subject to condition as laid



down under Section 438(2) of the Cr.P.C.

(Rajiv Roy, J)

Jagdish/Neha/-

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