

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47019 of 2022

Arising Out of PS. Case No.-246 Year-2022 Thana- BARH District- Patna

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1. ASHOK SINGH SON OF IMO SINGH R/O VILLAGE- JURAWANGANJ, P.S.- KODHA, DISTRICT- KATIHAR
 2. SUJIT GWALA SON OF LATE RAM CHANDRA GWALA R/O VILLAGE- JURAWANGANJ, P.S.- KODHA, DISTRICT- KATIHAR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anand Kumar Ojha, Advocate

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

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 15-02-2023 Heard learned counsel appearing on behalf of the petitioners 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 petitioners seek bail in connection with Barh P.S. Case No. 246 of 2022 registered for the offence under Sections 379, 414 and 34 of the Indian Penal Code.

The accused/petitioners are named in the F.I.R. and are in custody since 01.05.2022.

The allegation against the petitioners is to have in possession of stolen motorcycle along with other co-accused persons.



Learned counsel appearing on behalf of the petitioners submitted that alleged stolen motorcycle cannot be said to be recovered from the conscious possession of the petitioners for the reason that the motorcycle in issue was jointly occupied. It is also submitted that seizure list is not supported by independent witness rather by the police officers, which creates a further doubt regarding entire seizure and making allegation false on its face. While concluding the argument, it is submitted that prior to this occurrence, antecedent of both the petitioners was clean but subsequently, petitioners were involved in 02 more criminal cases and moreover, investigation of this case has been completed, for which, charge-sheet has already been 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 and by taking note of the fact as seizure list is not supported by independent witnesses, where recovery was made from joint possession coupled with the fact that charge-sheet has already been submitted, let both the petitioners, above named, are directed to be released on bail in connection with Barh P.S. Case No. 246 of 2022, on furnishing bail bond of Rs.10,000/-



(Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M. 1st Barh/concerned court, subject to the condition as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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