

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48619 of 2022

Arising Out of PS. Case No.-196 Year-2022 Thana- SONO District- Jamui

SUBHASH MANDAL S/O KALEWAR MANDAL Resident of village-
Tetariya, P.S.- Sono, District- Jamui.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 45866 of 2022

Arising Out of PS. Case No.-196 Year-2022 Thana- SONO District- Jamui

DILIP MURMU S/o Late Durr Murmu Resident of Village- Saleya, P.S.-
Sono, District- Jamui.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 46020 of 2022

Arising Out of PS. Case No.-196 Year-2022 Thana- SONO District- Jamui

NAGO YADAV S/o Bodhi Yadav Resident of Village- Lahthera, P.S.- Sono,
District- Jamui.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 46052 of 2022

Arising Out of PS. Case No.-196 Year-2022 Thana- SONO District- Jamui

Dharmendra Kumar Sah @ Dharmendra Kumar Sao @ Dharmendra Kumar
@ Dharmendra Sah Son of Chamru Sah Resident of village - Salaiya, P.S.-
Sono, District - Jamui.

... .. Petitioner/s

Versus

The State of Bihar



... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 48619 of 2022)

For the Petitioner/s : Mr.Pankaj Kumar Sinha, Advocate

For the Opposite Party/s : Mr.Md. Aslam Ansari, APP

(In CRIMINAL MISCELLANEOUS No. 45866 of 2022)

For the Petitioner/s : Mr.Pankaj Kumar Sinha, Advocate

For the Opposite Party/s : Mr.Ashok Kumar Singh, APP

(In CRIMINAL MISCELLANEOUS No. 46020 of 2022)

For the Petitioner/s : Mr.Pankaj Kumar Sinha, Advocate

For the Opposite Party/s : Mr.Ashok Kumar Singh, APP

(In CRIMINAL MISCELLANEOUS No. 46052 of 2022)

For the Petitioner/s : Mr.Ansul Kumar, Advocate

For the Opposite Party/s : Mr.Narsingh Tanti, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 15-02-2023

IN Cr. Misc. No. 48619 of 2022

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 Sono P.S. Case No. 196 of 2022 registered for the offence under Sections 414, 413 and 120B/34 of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in custody since 01.07.2022.

The allegation against the petitioner is to have in possession of two motorcycle as alleged to be stolen.

Learned counsel appearing on behalf of the petitioner submitted that petitioner is a bona-fide purchaser of motorcycle



from the co-accused, Dharmendra Kumar Sao, and this fact also surfaced during the course investigation. It is submitted that recovery of alleged motorcycle not appears to be made from the conscious physical possession of the petitioner. It is further submitted that similarly situated co-accused person, namely, Upendra Yadav, has already been granted anticipatory bail by one of the learned Co-ordinate Bench of this Court through Cr. Misc. No. 52226 of 2022 vide order dated 23.01.2023. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and, moreover, investigation in this case is complete, for which, charge-sheet has 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, as seizure list of alleged recovery of motorcycle appears doubtful, being not supported by independent witnesses coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Sono P.S. Case No. 196 of 2022 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-Ist Class, Jamui/concerned Court, subject to the conditions as laid down u/s 437(3) of the Cr.P.C.

IN Cr. Misc. No. 45866 of 2022

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 Sono P.S. Case No. 196 of 2022 registered for the offence under Sections 414, 413 and 120B/34 of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in custody since 01.07.2022.

The allegation against the petitioner is to have in possession of two motorcycle as alleged to be stolen.

Learned counsel appearing on behalf of the petitioner submitted that petitioner is a bona-fide purchaser of motorcycle from the co-accused, Dharmendra Kumar Sao, and this fact also surfaced during the course investigation. It is submitted that recovery of alleged motorcycle not appears to be made from the conscious physical possession of this petitioner. It is further submitted that similarly situated co-accused person, namely, Upendra Yadav, has already been granted anticipatory bail by



learned Co-ordinate Bench of this Court through Cr. Misc. No. 52226 of 2022 vide order dated 23.01.2023. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and, moreover, investigation in this case is complete, for which, charge-sheet has 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, as seizure list of alleged recovery of motorcycle appears doubtful, being not supported by independent witnesses coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Sono P.S. Case No. 196 of 2022 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-Ist Class, Jamui/concerned Court, subject to the conditions as laid down u/s 437(3) of the Cr.P.C.

IN Cr. Misc. No. 46020 of 2022

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 Sono P.S. Case No. 196 of 2022 registered for the offence under Sections 414, 413 and 120B/34 of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in custody since 01.07.2022.

The allegation against the petitioner is to have in possession of two motorcyle as alleged to be stolen.

Learned counsel appearing on behalf of the petitioner submitted that petitioner is a bona-fide purchaser of motorcycle from the co-accused, Dharmendra Kumar Sao, and this fact also surfaced during the course investigation. It is submitted that recovery of alleged motorcycle not appears to be made from the conscious physical possession of this petitioner. It is further submitted that similarly situated co-accused person, namely, Upendra Yadav, has already been granted anticipatory bail by learned Co-ordinate Bench of this Court through Cr. Misc. No. 52226 of 2022 vide order dated 23.01.2023. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and, moreover, investigation in this case is complete, for which, charge-sheet has 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, as seizure list of alleged recovery of motorcycle appears doubtful, being not supported by independent witnesses coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Sono P.S. Case No. 196 of 2022 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-Ist Class, Jamui/concerned Court, subject to the conditions as laid down u/s 437(3) of the Cr.P.C.

IN Cr. Misc. No. 46052 of 2022

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 Sono P.S. Case No. 196 of 2022 registered for the offence under Sections 414, 413 and 120B/34 of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in custody since 01.07.2022.



The allegation against the petitioner is to have in possession of two motorcyle as alleged to be stolen.

Learned counsel appearing on behalf of the petitioner submitted that alleged recovery of stolen motorcycle was made from the house of the petitioner, which is jointly occupied by other family members and, as such, it cannot be said that alleged recovery of stolen motorcycle was made from the conscious physical possession of this petitioner. It is submitted that compliance of under Section 100 (4) of the Cr.P.C. not appears to be made in the present case as regard to search of house and premises. It is further submitted that seizure list appears doubtful, being not supported by independent witnesses rather by police personnels. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and, moreover, investigation in this case is complete, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded that recovery of stolen motorcycle was made from the jointly occupied house of the petitioner.

Considering the facts and circumstances as mentioned above, as alleged recovery of stolen motorcyle was not made



from the conscious physical possession of the petitioner, where seizure list appears doubtful coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Sono P.S. Case No. 196 of 2022 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-Ist Class, Jamui/concerned Court, subject to the conditions as laid down u/s 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

R.S.Sen/-

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