

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58097 of 2022

Arising Out of PS. Case No.-245 Year-2022 Thana- BHAGWAN BAZAR District- Saran

Rahul Yadav @ Rahul Kumar, Son of Ramesh Ray, Resident of Village -
Methwaliya, P.S.- Revilganj, District - Saran at Chapra.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nawnit Kumar Tiwary, Advocate

For the Opposite Party/s : Mr. Sucheta Yadav, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 15-02-2023 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

The petitioner seeks bail in connection with
Bhagwan Bazar P.S. Case No. 245/2022 registered for the
offence under Sections 413, 414 and 401 of the Indian Penal
Code.

The accused/petitioner is named in the F.I.R. and is in
custody since 14.05.2022.

The allegation against the petitioner is to have in
possession of two stolen motorcycles alongwith other co-
accused persons, where petitioner failed to produce the relevant
documents in support of ownership, consequence upon FIR was
lodged and petitioner was taken into custody.

Learned counsel appearing on behalf of the petitioner



submitted that alleged recovery of motorcycles was made from the open place i.e. road and as petitioner was found standing near by to the motorcycles, merely on the basis of suspicion, he was arrested in this case alongwith other co-accused persons. It is also submitted that seizure list also appearing doubtful for the reason that same is not supported by independent witnesses, rather by police personnel. While traveling over the argument, it is submitted that similarly situated person, namely, Sailesh Kumar @ Shailesh Yadav has already been granted bail by a co-ordinate Bench of this Court vide order dated 20.09.2022 passed in Cr. Misc. No. 36424 of 2022. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and, moreover, investigation of this case is complete, where charge-sheet has been submitted, as such, there is no chance of tempering with the evidence.

Learned APP, while opposing the prayer of bail fairly conceded that seizure list supported by police personnel.

Considering the facts and circumstances as mentioned above and by taking note of manner of recovery, where seizure list appears doubtful on its face, coupled with the fact that charge-sheet has been submitted, let the petitioner, above named, is directed to be released on bail in connection with



Bhagwan Bazar P.S. Case No. 245/2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned court of 1st Additional Chief Judicial Magistrate, Saran at Chapra/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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