

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55365 of 2022

Arising Out of PS. Case No.-45 Year-2022 Thana- BANDEYA District- Aurangabad

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Raushan Kumar, Son of Virendra Prasad, Resident of village - Rukundi, P.S.-
Bandeya, District - Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mrs. Rupa Kumari, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 22-02-2023 Learned counsel for the petitioner is permitted to

remove the defect(s), as pointed out by the office, if any, within

a period of four weeks from today.

Heard Mrs. Rupa Kumari, learned counsel appearing
on behalf of the petitioner and the learned APP for the State.

The petitioner seeks regular bail, who is in custody in
connection with Bandeya P.S. Case No. 45 of 2022 registered
for the offence punishable under Section 414 of the Indian Penal
Code.

The police on a secret information apprehended the
petitioner and one Hero Glamour motorcycle has been
recovered, which is said to be a stolen property.

Learned counsel appearing on behalf of the petitioner
submits that from the seizure list, it would be evident that there



is no signature of the petitioner, and as such, the entire seizure appears to be completely suspicious, apart from the fact that there is no independent witnesses to the seizure. She next submits that the offences as alleged in the FIR is triable by the Magistrate and, moreover, the petitioner is in custody since 17.07.2022, having fair antecedent.

On the other hand, learned APP for the State vehemently opposes the bail application and submits that the stolen motorcycle has been recovered form the possession of the petitioner.

Regard being had to the submissions made on behalf of the parties and considering the infirmities in the preparation of the seizure list as also the period of custody and fair antecedent of the petitioner, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Ravi Shekhar Varsi, Judicial Magistrate 1st Class, Daudnagar, Aurangabad, Bihar in connection with Bandeya P.S. Case No. 45 of 2022, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the



trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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