

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60065 of 2023

Arising Out of PS. Case No.-108 Year-2023 Thana- MAHUA District- Vaishali

Nikhil Kumar @ Surya Prakash Kumar S/O Paras Kumar Thakur @ Pappu Thakur Resident of Village Purkhauri Ps Lalganj Dist Vaishali

... .. Petitioner/S

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Pranav Kumar, Advocate
	Mr. Rajeev Ranjan No.II, Advocate
	Mrs. Priyanka Kumari, Advocate
	Mrs. Kumari Seema Singh, Advocate
	Mr. Ajay Veer, Advocate
For the Opposite Party/s :	Mr. Lakshmi Kant Sharma, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 08-09-2023 Heard learned counsel appearing on behalf of the petitioner and learned counsel appearing on behalf of the State.

2. Let the defect(s), if any, be removed within a period of four weeks from today.

3. The petitioner seeks bail in connection with Mahua P.S. Case No. 108 of 2023 registered for the offence under Sections 413 and 414 of the Indian Penal Code.

4. The accused/petitioner is named in the F.I.R. and is in custody since 23.02.2023.

5. As per the case of prosecution, on 23.02.2023, informant of this case, who is a Police Sub-Inspector, received information that villagers have caught thieves of motorcycle. On



reaching the spot, informant found petitioner alongwith two co-accused persons and recovered one motorcycle and also two master-keys from their possession, where alleged recovered motorcycle was seized as stolen motorcycle.

6. Learned counsel appearing on behalf of the petitioner submitted that petitioner is not connected in any manner with alleged motorcycle and his presence on spot was mere a chance while he was returning from the village of his relative. It is submitted that no incriminating material was recovered from his possession rather master-keys appear to be recovered from pocket of co-accused Abhinandan Kumar@Baswaria, who has already been granted bail by one of the learned Co-ordinate Bench of this Court through Cr. Misc. No. 38031 of 2023 vide order dated 07.07.2023. It is also submitted that seizure list appears doubtful being not supported by independent witnesses, rather by police personnels. While concluding the argument, it has been submitted that petitioner found involved in one more criminal case, where he is on bail and moreover, investigation of this case has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

7. Learned APP opposes the prayer of bail.



8. Considering the facts and circumstances as mentioned above, as no incriminating material appears to be recovered from conscious physical possession of this petitioner coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 23.02.2023, accordingly, above named petitioner is directed to be released on bail in connection with Mahua P.S. Case No. 108 of 2023 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Vaishali at Hajipur/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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