

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65159 of 2022

Arising Out of PS. Case No.-425 Year-2022 Thana- BHAGALPUR KOTWALI District-
Bhagalpur

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Amit Kumar Sharma @ Lalu @ Lalu Sharma Son of Binod Sharma R/o-
Baghwabari Tola, P.S.- Katihar Town, Dist- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Singh, Advocate
For the Opposite Party/s : Mr. Gulnar Begum, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 14-03-2023 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 Kotwali
(Tilkamanjhi) P.S. Case No. 425 of 2022 registered for the
offence under Sections 413, 414 and 34 of the Indian Penal
Code (for short 'I.P.C.').

The accused/petitioner is named in the F.I.R. and is in
custody since 30.05.2022.

The allegation against the petitioner is to have in
possession of stolen motorcycle alongwith other co-accused
persons.



Learned counsel appearing on behalf of the petitioner submitted that the alleged stolen motorcycle was recovered from joint possession of this petitioner as same was also occupied by other co-accused persons. It is submitted that alleged motorcycle which was recovered from the possession of this petitioner belongs to him only. It is further pointed out that seizure list appears doubtful, being not supported by independent witnesses rather by Bihar Home-guard personnels. It is also submitted that one of the co-accused, namely, Rupesh Kumar has already been granted bail by this Court through Cr. Misc. No. 67320 of 2022 vide order dated 25.02.2023. It is also pointed out that petitioner found involved in present case only for the reason that he found involved in nine criminal cases of more or less similar in nature. It is also submitted that 18 criminal cases have been wrongly mentioned in the order sheet. While concluding the argument, it has been submitted that 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.

Learned APP for the State opposes the prayer of bail.

Considering the facts and circumstances as mentioned above and by taking note of the fact as stolen motorcycle was



not recovered from the conscious physical possession of this petitioner coupled with the fact that seizure list appears doubtful being not supported by independent witnesses, where charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Kotwali (Tilkamanjhi) P.S. Case No. 425 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 Court of Chief Judicial Magistrate, Bhagalpur/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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