

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64909 of 2022

Arising Out of PS. Case No.-77 Year-2022 Thana- BADHAILA District- Rohtas

Jai Prakash Kumar @ Indica, S/o Late Shiv Pujan Singh, R/v- Chhanha, P.S.-
Baghaila, District- Rohtas at Sasaram

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Chhote Lal Mishra, Advocate
For the Opposite Party : Mr. Yogendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 25-02-2023 Heard learned counsel appearing on behalf of the

petitioner and learned Additional Public Prosecutor for the

State.

The petitioner seeks bail in connection with Baghaila
P.S. Case No.77 of 2022 registered for the offences punishable
under Sections 379, 411 and 414 of the Indian Penal Code.

The petitioner/accused is named in the first
information report and is in custody since 20.08.2022.

The allegation against the petitioner is having in
possession of stolen motorcycle, which is alleged to be
recovered standing in front of his house.

It is submitted by learned counsel for the petitioner
that he has been falsely implicated in the present case for the
reason that alleged stolen motorcycle was recovered standing in



front of the house of this petitioner, which is an open place, accessible by general public and, as such, it can safely gathered, that alleged recovery was not made from conscious physical possession of the petitioner. It is submitted that seizure list also appears doubtful, being not supported by independent witnesses, rather by police personnel. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and moreover, investigation of this case has been completed, for which the charge-sheet has been submitted and, as such, there is no chance of tampering with the evidence.

Learned APP opposes the prayer for grant of bail to the petitioner.

In view of the above-mentioned facts and circumstances as alleged stolen motorcycle appears to be recovered from open place where, seizure list appear doubtful, being not supported by independent witnesses, coupled with the fact that charge-sheet has already been submitted, the petitioner is directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, Rohtas at Sasaram in connection with Baghaila P.S. Case No.77 of 2022, subject to the conditions as



mentioned under Section 437(3) of the Code of Criminal
Procedure.

(Chandra Shekhar Jha, J.)

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