

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66757 of 2022

Arising Out of PS. Case No.-302 Year-2022 Thana- RAFIGANJ District- Aurangabad

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Rakesh Kumar @ Dara Yadav Son of Ramesh Yadav Resident of Village -
Masaudha, P.S.- Kasma, Present Address - Charkanwa Road, Rafiganj, P.S.-
Rafiganj, District – Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rakesh Singh, Advocate

For the Opposite Party/s : Mr. Harendra Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 23-02-2023 Heard learned counsel appearing on behalf of the

petitioner and learned APP appearing on behalf of the State.

The petitioner seeks bail in connection with Rafiganj
P.S. Case No.302 of 2022 registered for the offence under
Sections 413, 414, 420, 468 and 34 of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in
custody since 28.07.2022.

The allegation against the petitioner is to have in



possession of stolen motorcycle (Passion Pro).

Learned senior counsel appearing on behalf of the petitioner submitted that the alleged stolen motorcycle was not recovered from the conscious physical possession of the petitioner. It is also submitted that seizure list appears doubtful being not supported by independent witnesses rather by police personnnels. While concluding the argument, it is submitted that petitioner found involved in two more cases, where he is on bail and moreover, investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State, opposes the prayer for bail.

In view of the facts and circumstances as mentioned above and by taking note of the fact as seizure list appears doubtful being not supported by independent witnesses coupled with the fact that charge-sheet has already been submitted, let above named petitioner is directed to be released on bail in connection with Rafiganj P.S. Case No.302 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 Chief Judicial Magistrate, Aurangabad/concerned court, subject to the



conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J.)

S.Tripathi/-

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