

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66427 of 2022

Arising Out of PS. Case No.-149 Year-2022 Thana- BENIPATTI District- Madhubani

Manish Kumar Ram @ Manish Kumar S/o Horil Ram R/o Village- Lorika,
P.S.- Benipatti, Distt- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Jha, Advocate

For the Opposite Party/s : Mr. Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 22-02-2023 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 Benipatti
P.S. Case No.149 of 2022 registered for the offence under
Sections 413, 414, 420, 467, 468/34 of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in
custody since 12.06.2022.

The allegation against the petitioner is to have in
possession of two stolen motorcycles, where one motorcycle is
the subject matter of the present case and another recovered
motorcycle was the subject of Benipatti P.S. Case No. 88 of
2022.

Learned counsel appearing on behalf of the petitioner
submitted that the name of petitioner surfaced on the basis of



disclosure made by co-accused, namely, Karan Kumar in furtherance of which, alleged recovery was made from the house of the petitioner, which is jointly occupied by other family members and as such it can be said safely that the stolen motorcycles were not recovered from the conscious physical possession of this petitioner. It is also pointed out that compliance of Section 100(4) of the Cr.P.C. not appears to be made in the present case. It is also submitted that recovered stolen motorcycles were not put on T.I.P., as yet. While concluding the argument, it is submitted that petitioner found involved in one criminal case, 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 alleged recovery of stolen motorcycle not appears to be made from the conscious physical possession of the petitioner, which was also not put on T.I.P. 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 Benipatti P.S. Case No.149 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
Additional Chief Judicial Magistrate, Benipatti,
Madhubani/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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