

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67320 of 2022**

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

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RUPESH KUMAR GHOSH, S/o Subhash Ghosh, R/o Village- Lakhipur
Rajmahal, P.S.- Rajmahal, Distt- Sahebganj, (Jharkhand).

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranvijay Singh, Advocate
For the Opposite Party/s : Mr. Md. Aslam Ansari, APP

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

2 25-02-2023 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) Police Station Case No. 425/2022 registered for
the offence under Sections 413, 414/34 of the Indian Penal
Code.

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 as per seizure list, alleged stolen motorcycle was recovered from the possession of co-accused, namely, Amit Kumar Sharma and nothing incriminating material recovered from the possession of this petitioner. It is submitted that the mobile as alleged to be recovered from the possession of this petitioner belongs to this petitioner and is not connected in any manner with alleged occurrence. It is also submitted that seizure list appears doubtful being not supported by independent witness rather by Bihar Home guard Personnel. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and moreover, investigation of this case is completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, 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 possession of this petitioner, who is a man of clean antecedent, coupled with fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Kotwali (Tilkamanjhi) Police Station Case No. 425/2022 on furnishing



bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned 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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