

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70358 of 2022

Arising Out of PS. Case No.-329 Year-2022 Thana- ALOULI District- Khagaria

HITLAR KUMAR @ RAJU KUMAR @ HITO PASWAN @ RAJ KUMAR
S/o Late Shankar Paswan R/o - Anandpur Paras (Gola Paras), P.S.- Alouli,
Distt- Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Satish Kumar Singh, Advocate

For the Opposite Party/s : Mr. Sharda Kumari, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 29-03-2023 Heard learned counsel appearing on behalf of the parties.

Let the defect(s), if any, be removed within a period of four weeks from today.

The petitioner seeks bail in connection with Alouli P.S. Case No. 329 of 2022 registered for the offence under Sections 379 and 411 of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in custody since 21.07.2022.

The allegation against the petitioner is to have in possession of one stolen motorcycle, where on demands petitioner failed to produce any documentary evidence in support of ownership.



Learned counsel appearing on behalf of the petitioner submitted that it is a case of chance implication, for the reason, as petitioner found standing near the alleged stolen motorcycle. It is submitted that petitioner not connected in any manner with said stolen motorcycle, where even no corresponding case as regard to theft of alleged stolen motorcycle was registered. It is also submitted that seizure list as regard to said motorcycle is also appearing doubtful as same is not supported by independent witness rather by police personnels. While concluding the argument, it is submitted that petitioner found involved in one more excise case, where, he is on bail and moreover, investigation of this case has 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, oppsed the prayer of bail.

Considering the facts and circumstances as mentioned above, as petitioner is in custody since 21.07.2022, where, seizure list is not supported by independent witness coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Alouli P.S. Case No. 329 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 Chief Judicial Magistrate, Khagaria/concerned court, subject to the condition as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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