

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71326 of 2022

Arising Out of PS. Case No.-63 Year-2022 Thana- KOTHI District- Gaya

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RAGHUBIR KUMAR S/o Late Shivnandan Saw R/v- Auru, Gerua P.S.-
Hunterganj, District- Chatra (Jharkhand)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sudhir Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Choubey Jawahar, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 12-04-2023 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 Kothi P.S.
Case No.63 of 2022 registered for the offence under Sections
414/34 of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in
custody since 12.07.2022.

The allegation against the petitioner is to have in
possession of one stolen motorcycle, having registration No.
MH 48AU-0117.

Learned counsel appearing on behalf of the petitioner
submitted that petitioner falsely implicated in the present case as



immediately on his arrest, he disclosed the fact that said motorcycle belongs to his maternal uncle, namely, Santosh Sah and as he could not produce relevant and desired documents in connection with ownership of said motorcycle, he apprehended in the present case. It is also submitted that alleged recovery cannot be said to be made from the conscious possession of this petitioner. It is also pointed out that seizure list of motorcycle is not supported by independent witness, rather same is supported by police personnels, which further creates doubt. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and moreover, investigation of this case has completed, for which, charge-sheet has already submitted, as such, there is no chance of tampering with the evidence.

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

Considering the facts and circumstances as mentioned above, as petitioner is a man of clean antecedent, who is in custody since 12.07.2022 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 Kothi P.S. Case No.63 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 Judicial Magistrate-1st Class,
Sherghati (Gaya)/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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