

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74227 of 2022

Arising Out of PS. Case No.-439 Year-2022 Thana- RAJAOLI District- Nawada

DEWANAND PASWAN S/o Rambali Paswan R/v- Bara, P.S.- Rajouli,
District- Nawada

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Yugal Kishore, Advocate

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

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 22-03-2023 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 Rajouli P.S. Case No. 439 of 2022 registered for the offence under Section 414 of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in custody since 08.11.2022.

The allegation against the petitioner is to have in possession of one stolen motorcycle, alleged to be recovered from his house.

Learned counsel appearing on behalf of the petitioner submitted that alleged recovery of stolen motorcycle was made



from house of the petitioner, which is jointly occupied by other family members, as such, it cannot be said that the recovery was made from possession of this petitioner. It is submitted that compliance of Section 100 (4) of the Cr.P.C. as regard to search of premises was not made, in the present case. It is also pointed out that the seizure list is doubtful being not supported by independent witness, rather by local *Chaukidar* and constables. While concluding the argument, it is submitted that petitioner found involved in one more criminal case, where, he is on bail 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 alleged stolen motorcycle is not appears to be recovered from possession of this petitioner coupled with the fact that charge-sheet has already submitted, let the petitioner, above named, is directed to be released on bail in connection with Rajouli P.S. Case No. 439 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 A.C.J.M.-1st



Nawada/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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