

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4248 of 2024

Arising Out of PS. Case No.-440 Year-2023 Thana- MOTIHARI MUFASIL District- East
Champaran

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Rahul Kumar Son Of Ramdhani Sahni Resident Of Village -TIKULIYA,
Tikuliya Dhab, Po- Laxmipur, Lachhmipur, Ps- Muffasil Motihari, Dist- East
Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Pramod Kumar Prasad

For the Opposite Party/s : Mr.Navin Kumar Pandey

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 07-02-2024 Heard Mr. Pramod Kumar Prasad, learned counsel

appearing on behalf of the petitioner and learned Additional

Public Prosecutor for the State.

2. The petitioner apprehends his arrest in connection
with Motihari Muffasil P.S. Case No. 440 of 2023, registered for
the offences punishable under Sections 414, 467, 468, 471, and
483 of the Indian Penal Code.

3. The police, in course of patrolling, on secret
information that the petitioner has kept a stolen Bolero vehicle
and one Hero Splendor motorcycle at his house, conducted raid.
However, on noticing the police party one person succeeded in
fleeing away, who has later been identified as the petitioner by
the local Chowkidar. The vehicles in question were found



parked in front of the door of the petitioner. On inspection, the informant came to know the registration number plate of Bolero vehicle and Hero Honda motorcycle were changed and there had been a criminal case in regard to the theft of the vehicle.

4. It is submitted on behalf of the petitioner that apart from the fact that the petitioner is a man of fair antecedent, the alleged recovery has been made in front of the house of the petitioner and as such it cannot be said that the same has been stolen by the petitioner. He next submits that in fact in front of the house of the petitioner there is a road which is being used by common people and the petitioner has no concern with the vehicles in question nor he is claiming the ownership over the vehicles. Further submission has been made that the witnesses are non-else but the police constable and the vehicles were recovered nearby house of the petitioner. Had the same been recovered from the house of the petitioner, the copy of seizure list must have been given to any family member of the petitioner or the family members should have been the seizure list witnesses, but this has not been done. He lastly submits that the petitioner is a student and undertakes that he will fully cooperate in the investigation and in the proceeding of the court.

5. On the other hand, learned counsel for the State



opposes the bail application and submits that *prima facie* the complicity of the petitioner appears in the present crime.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the alleged recovery has been made in front of the house of the petitioner, which is said to be an open place used by common people, coupled with the infirmities in the search and seizure as well as the fair antecedent of the petitioner and his undertaking before this Court, let the petitioner abovenamed be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of the learned Sessions Judge, East Champaran, Motihari in connection with Motihari Muffasil P.S. Case No. 440 of 2023, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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