

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40827 of 2024

Arising Out of PS. Case No.-165 Year-2024 Thana- BARACHATTI District- Gaya

Sushil Singh @ Chotu Singh @ Chhotu Singh, Son of Anil Singh R/o Vill.-
Pathra, P.S.- Mohanpur, Dist.- Gaya

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 11-06-2024 Heard learned counsel for the petitioner and

learned Additional Public Prosecutor for the State.

2. The accused/petitioner seeks bail in connection
with Barachatti (Mohanpur) P.S. Case No.165 of 2024
registered for the offences punishable under Sections 414,
420, 468 and 471 read with 34 of the Indian Penal Code.

3. The accused/petitioner is named in the FIR and
is in custody since 14.03.2024.

4. Allegation against the petitioner is to have in
possession of stolen motorcycle bearing Registration No. BR-
27AG-8199, which was alleged to be used in illegal trade of
illicit liquor.

5. It is submitted by learned counsel for the



petitioner that the house of petitioner is occupied by different family members and, as such, it cannot be said that the recovery of motorcycle was made from conscious physical possession of this petitioner. It is submitted that the compliance of Section 100(4) of the Cr.P.C. not appears to be followed in present case. It is further submitted that seizure list appears disputed as same is supported by police personnel themselves despite of availability of independent witnesses. While concluding argument, it is submitted that investigation of this case has been completed, for which, charge-sheet has been submitted and, as such, there is no chance of tampering with the evidence.

6. Learned APP opposes the prayer for grant of bail to the petitioner.

7. In view of above-mentioned facts and circumstances and by taking note of fact as recovery of alleged stolen motorcycle *prima facie* not appears to be made from conscious physical possession of this petitioner, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 14.03.2024,



accordingly, the petitioner, above-named, is directed to be released on bail furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-II, Sherghati, Gaya in connection with Barachatti (Mohanpur) P.S. Case No.165 of 2024, subject to the conditions as laid down under Section 437(3) of the Cr.P.C. and with further conditions:-

(i) That petitioner shall not involve in similar nature of criminal case till the conclusion of trial, failing which the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) That petitioner shall co-operate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court only on medical ground of the petitioner duly supported by the documents.

(Chandra Shekhar Jha, J.)

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