

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 6936 of 2015

Arising Out of PS.Case No. -201 Year- 2014 Thana -KALYANPUR District- SAMASTIPUR

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Sunil Singh S/o Ram Dinesh Singh, Resident of Village Simariya; P.S
Kalyanpur; District- Samastipur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL ORDER

3 10-04-2015 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in Kalyanpur P.S.
Case No. 201 of 2014 dated 26.09.2014 instituted under
Section 414 of the Indian Penal Code.

Learned counsel for the petitioner submits
that as per the accusation one Bolero pickup van and two
motorcycles were recovered from his house during the night of
22.09.2014/23.09.2014 but when he was not present. It is
submitted that even the F.I.R. was lodged on 26.09.2014, that
is, after delay. Learned counsel submits that one motorcycle
belongs to his father whereas the other is of his friend and the
Bolero pickup van was that of his brother-in-law and thus he
was nowhere responsible for any of the vehicles. It is further
submitted that neither his father, who was there at the house,
nor his brother-in-law who is the owner of the Bolero pickup
van have been made an accused and only the petitioner has



been singled out. Learned counsel submits that as per Section 41 of the Code of Criminal Procedure, 1973, in cases like the present, the police may arrest a person provided certain conditions are fulfilled and then reason has to be recorded for such arrest. It is submitted that in the present case no such reasons have been recorded. Learned counsel further submits that the case is triable by a Magistrate and the maximum punishment is that of three years and the petitioner is in custody since 27.09.2014.

Learned A.P.P., upon going through the case diary, opposes the prayer for bail. It is submitted that the Bolero pickup van was released in favour of the original owner Chandrama Yadav by the Court below and thus the fact of sale of vehicle to the brother-in-law is falsified. It is further submitted that even on facts the petitioner has taken different stands inasmuch as before the Court below, the stand of the petitioner was that he had purchased the seized vehicle from one Sanjay Kumar who has purchased the vehicle from real owner whereas before this Court the stand is that the Bolero pickup van belonged to the brother-in-law of the petitioner, Sanjay Singh. It is further submitted that the Court below has found the papers of Chandrama Yadav to be in order while ordering the release of the vehicle and also that in the copy of the Insurance certificate brought on record there is only name of father of the petitioner relating to one of the motorcycles which cannot be relied upon for the reason that the owner

book has not been brought on record. It is further submitted that the petitioner does not have clean antecedent as he is accused in three other cases under Sections 395 and 302 of the Indian Penal Code and also the Arms Act. Learned counsel submits that the condition where arrest is necessary includes that to prevent such person from committing any further offence; to prevent such person from causing the evidence of the offence to disappear or tampering with such evidence in any manner and to prevent such a person from making any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to the police officer, which in the present case is writ large as by the petitioner's subsequent conduct including creating record in favour of various persons with regard to the ownership of the vehicle which has been disbelieved by the Court as well as the stand itself has been shifted by the petitioner in front of the Court below and that before this Court.

Considering the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is not inclined to enlarge the petitioner on bail. Accordingly, the application stands dismissed.

(Ahsanuddin Amanullah, J.)

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