

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47271 of 2014

Arising Out of PS.Case No. -259 Year- 2013 Thana -MAIRWA District- SIWAN

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1. Nand Lal Chaurasiya son of Dukhan Chaurasia R/o Village - Batraulia Prasiya Chhoti, P.S. - Banakata, District - Deoria (U.P.).
 2. Vivek Kumar Singh @ Vivek Kumar son of A.K. Bachan R/o Naya Bajar, Siwan, Police Station and District - Siwan.
 3. Raj Kumar Jaiswal son of Om Prakash Jaiswal R/o Village - Purani Bajar, Mairwa, Police Station - Mairwa, District - Siwan.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bijay Prakash Singh

For the Opposite Party/s : Mr. Ram Bachan Singh(App)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

7 03-09-2015 Heard learned counsel for the petitioners and learned counsel for the State.

The petitioners are apprehending their arrest for the offences instituted under Sections 414/467/468/471/472/34 of the Indian Penal Code.

The prosecution story, in brief, is that the informant along with other SAP Jawans was on checking got information that one stolen Bolero Vehicle is coming to Mairwa from Siwan. The vehicle was stopped and driver was asked to produce documents, then the driver came to petitioner no. 1 and told that documents is in his house and the informant seized the vehicle and prepared seizure list. A report was sought for form the Mahindra & Mahindra Company who in its report submitted that said Engine



and Chassis number were false and the Company has never manufactured the said chassis number of the vehicle. Hence, the vehicle was supposed to be stolen one. It is further alleged by the informant that the said Bolero Vehicle is stolen and false document and changing the chassis number the vehicle was registered before D.T.O. Sitamarhi and the informant further alleged that the first owner alongwith the petitioner no. 1 Nand Lal Chaurasia and others are responsible.

It has been submitted on behalf of the petitioners that the petitioners has got no criminal antecedent. Further petitioner has relied upon Annexure-2 which is certificate issued by District Transport Officer which indicates that the petitioner no. 1 is the 5th purchaser of the vehicle in question. Petitioner no. 2 is the 3rd purchase of the vehicle and petitioner no. 3 is the 4th purchaser of the vehicle in question. He further submits that petitioners are the bonafide purchasers of vehicle in question and not a stolen property and hence Section 414 Indian Penal Code is not attracted in the case.

On behalf of the State it has been submitted that the petitioners are named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioners above named, be released on bail in the event of

their arrest or surrender before the learned court below within a period of four weeks from today in connection with Mairwas P.S. Case No. 259 of 2013 on furnishing bail bond of Rs. 10,000/-(Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Siwan, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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