

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12348 of 2016

Arising Out of PS.Case No. -295 Year- 2014 Thana -ROSERA District- SAMASTIPUR

Rama Das, s/o late Chalitar Das, r/v – Bhutaha, p.s.-Rosera, Distt –
Samastipur

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Krishna Prasad Singh

For the Opposite Party/s : Mr. Yogendra Kumar (App)

CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR
TRIVEDI
ORAL ORDER

2. 18-03-2016 Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor.

With regard to commission of theft of two solar plates in
the night of 15.09.2014, a written report was filed on 23.09.2014
by the informant Nawalesh Kumar Jha disclosing therein that after
returning from Patna, he began to enquire and during course
thereof, he came to know that aforesaid two solar plates were
stolen away by Shiv Kumar Das who has kept it in the house of
Rama Das (petitioner) from where aforesaid two solar plates were
recovered.

It has also been incorporated that Rama Das had
disclosed that these solar plates have been sold by Shiv Kumar
Das to him. From the seizure list, it is apparent that aforesaid two
solar plates were produced by the informant himself.

It is also apparent from the written report that Shiv Kumar Das was apprehended and was produced before the police. Petitioner was not apprehended by the villagers including informant. That means to say they have found genuineness in his assertion and on account thereof, mere recovery have been made from his possession would not admit the complicity of petitioner within the ambit of Section 414 of the Indian Penal Code.

Accordingly, petitioner is directed to surrender before the learned lower Court with a prayer of bail which the learned lower Court will consider as per above observation.

Instant petition is disposed of, in terms as observed above.

(Aditya Kumar Trivedi, J.)

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