

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49265 of 2016

Arising Out of PS.Case No. -63 Year- 2016 Thana -SIDHWALIA District- GOPALGANJ

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Binay Kumar @ Dadan Sah, Son of Madan Sah, Resident of Vilage-
Hasanpura, Police Station- Sidhawalia, District- Gopalganj.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Indrajeet Bhushan, Advocate

For the Opposite Party : Mr. Sri Ajay Kumar-1 (APP)

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR
TRIVEDI
ORAL ORDER

2 15-12-2016 Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor.

On getting confidential information, raid was conducted at the house of Binod Mahto wherefrom stolen motorcycle was recovered. On his confessional statement, another raid was conducted and during course thereof, Rakesh Kumar, Mithlesh Mahato, Rohit Kumar and Raj Kr. Pasi were apprehended and from their possession, stolen motorcycles were recovered. On interrogation, Rakesh Kumar had disclosed that he had sold one motorcycle to Umesh Mahato and another to the petitioner Binay Kumar, another motorcycle to one Acchelal Mahto, another one to Honey Sah @ Sonu and the last one to Pappu Sharma and accordingly, raid was conducted at that very



places.

Learned counsel for the petitioner has submitted that he happens to be mere purchaser and so instead of arraying him as an accused, the prosecution should have identified him as an witness. Furthermore, it has also been submitted that petitioner has no criminal antecedent and is under custody since 04.08.2016.

The learned A.P.P. opposed the prayer and submitted that keeping motorcycle without any document suggests conduct of the petitioner.

As such, petitioner Binay Kumar @ Dadan Sah is directed to be released on bail on furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of A.C.J.M.-VIII, Gopalganj in connection with Sidhwalia P.S. case no. 63 of 2016.

(Aditya Kumar Trivedi, J.)

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