

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.40108 of 2016

Arising Out of PS.Case No. -467 Year- 2015 Thana -BIDUPUR District- VAISHALI(HAJIPUR)

1. Jitendra Kumar Singh son of Late Ram Shankar Singh, Resident of Village + Post- Khilwat, P.S.- Bidupur, District- Vaishali.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binay Kumar, Advocate

For the Opposite Party/s : Mr. Sunil Kumar Pandey

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 30-09-2016

Heard learned counsel for the petitioner and the learned
A.P.P. for the State.

The petitioner apprehends his arrest in connection with Bidupur P.S.Case No. 467/2015 registered for the offence punishable under Sections 272, 273 of I.P.C. of the Indian Penal Code and 47 (A) of the Indian Penal Code.

The prosecution case, in brief, is that on 27.10.2015 at about 8.00 P.M. while the informant was on duty as a Gasti Dal and enquiry was being done due to Vidhan Sabha election, in the meantime, the informant told to stop the Hero Honda Motorcycle bearing No. BR-21C-9037 but the driver did not stop. However, after chase, the driver succeeded in fleeing away but motorcycle and 152 bottles of 200 ml. country made wine were seized and handed over to the Bidupur P.S. by the informant.

It has been submitted by the learned counsel for the petitioner that he is innocent and has been falsely been implicated in the aforesaid case. He submits that the motorcycle was recovered from the premises of the petitioner's house standing on the road adjoining his open courtyard and he has no criminal antecedent as is evident from para-3 of this application.

However, learned A.P.P. for the State submits that petitioner is not named in the F.I.R. but the motorcycle belongs to him, which was carrying country made liquor, hence, opposes the prayer for bail.

Be that as it may, since nothing incriminating has been found from the possession of the petitioner and that he has no criminal history, let the petitioner, named above, in the event of his arrest or surrender before the learned Court below within a period of eight weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate in connection with Bidupur P.S.Case No. 467/2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Nilu Agrawal, J)

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