

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38376 of 2016

Arising Out of PS.Case No. -155 Year- 2016 Thana -DARBHANGA SADAR District-
DARBHANGA

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1. Md. Arshad Reza @ Sonu @ Salman Son of Md. Barik Resident of
village- Dihbarai, P.S.- Sadar, District- Darbhanga

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Iqbal Asif Niazi

For the Opposite Party/s : Smt. Pronati Singh

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA

ORAL ORDER

3 30-09-2016

Heard both sides.

The petitioner apprehends his arrest in Sadar P.S.
case No. 155/ 2016 under Section 401, 411, 412, 413, 414, 420
and other Sections of the Indian Penal Code.

The informant, S.H.O. of Sadar P.S. Darbhanga,
alleged that one Manish Kumar Yadav was apprehended and he
confessed his guilt and from his possession mobile and other
different stolen articles were recovered. Manish Kumar Yadav
disclosed the name of 10 persons. The police raided different
locations, as disclosed by the Manish Kumar Yadav, and
recovered different stolen articles.

The learned counsel for the petitioner submits that



petitioner is not named in the FIR. All the ten persons, whose names were disclosed by Manish Kumar Yadav, are named in the FIR but during the course of raid and search one Madhav Yadav was apprehended from whose possession also some stolen articles were recovered. Madhav Yadav disclosed that one stolen motor cycle was kept in the house of petitioner. The learned counsel for the petitioner submits that the house is not dwelling house of the petitioner rather it is an abandoned house in which woods were kept. Seizure list was made prior to the institution of the case. Petitioner has got enmity with Madhav Yadav as petitioner is a motor mechanic and Madhav Yadav did not pay the wages of repairing the motor cycle that is why Madhav Yadav implicated the petitioner. The recovered motor cycle has not been identified by any person as stolen article and owner of the same is yet to be ascertained.

It appears that informant firstly apprehended Manish Kumar Yadav, who confessed his guilt, and on the basis of his confession mobile and other stolen articles were recovered. He disclosed the name of his accomplices, whose names appear in the FIR. In pursuance of the confession of Manish Kumar Yadav the police raided different places and recovered stolen articles and in course of raid and search one Madhav Yadav was apprehended

and he disclosed the name of the petitioner. Madhav Yadav also disclosed that one stolen motor cycle is kept in the house of petitioner and in pursuance of that house of petitioner was searched from where one motor cycle bearing registration No. MH01QA-3314, Chassis No. DHV3KF83192, Engine No. DHG3KF83080 was recovered.

Considering the fact that stolen motor cycle was recovered from the possession of the petitioner, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J)

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