

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44238 of 2015

Arising Out of PS.Case No. -460 Year- 2015 Thana -KATIHAR District- KATIHAR

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1. Jai Ranjan Paswan S/O- Late Basant Paswan, R/O- Babu Tola, Fasia,
P.S.- Katihar Nagar, District- Katihar

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Singh, Adv.

For the Opposite Party/s : Mr. Abhay Kr. Roy(App)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

7 27-01-2016 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

The petitioner is apprehending his arrest in connection
with Katihar (Nagar) P.S. Case No. 460/2015, registered for the
offences punishable under Section 7 E.C. Act and Section 414 and
34 of the Indian Penal Code.

Case diary in the present case was called for which has
since been received.

Learned counsel for the petitioner submits that
altogether false allegation has been made against this petitioner
stating that wheat bags belonging to the State and meant for the
purposes of providing relief were sought to be unloaded from
trucks and the petitioner's motorcycle was found to be parked
nearby.

He further submits that merely because petitioner's motorcycle was parked nearby the authorities could not lodge any prosecution against him, as there was no conscious recovery from his physical possession.

Further, it is submitted that the petitioner had gone to the market after parking his motorcycle near the vehicle which had been stopped and therefore attaching the liability on his shoulder is wholly misconceived.

Considering the nature of allegation and aforesaid facts and also the fact that there is no further material in the diary to connect the petitioner, let the petitioner above-named, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Katihar in connection with Katihar (Nagar) P.S. Case No. 460/2015, subject to the conditions as laid down under Section 438(2) of the Cr. P.C.

(Anjana Mishra, J.)

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