

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.20892 of 2016

Arising out of PS.Case No. -239 Year- 2016 Thana -BHABHUA District- BHABHUA (KAIMUR)
Chandan Singh, son of Kamlesh Yadav, resident of village- Sarathua, P.S.-
Kudra, Distt. Kaimur at Bhabua.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr. Tribhuwan Narayan, Advocate.
For the Opposite Party : Mr. Pronati Singh (App)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 21-07-2016 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is languishing in custody since 12.04.2016
in connection with Bhabua P.S. Case No. 239 of 2016, G.R. No.
980 of 2016 for the offences instituted under Sections 379 and
411/34 of the I.P.C.

The prosecution story, in brief, is that the motorcycle of
the informant which was parked in front of his shop was being
stolen by two boys in the evening, he raised alarm and chased
them and the shopkeepers of the neighborhood caught the
petitioner alongwith the motorcycle but another man escaped
away thereafter he was handed over to the police.

It has been submitted on behalf of the petitioner that the

petitioner is in custody since 12.04.2016 and the charge sheet has been submitted in the present case. There is no allegation of tampering with the evidence against the petitioner. From perusal of the seizure list, it is evident that the motorcycle in question is said to have been seized at the concerned police station. There is no compliance of Section 100 Cr. P.C.

On behalf of the State it has been submitted that the petitioner is named in the F.I.R. The local people caught hold of the petitioner while he was committing theft of the motorcycle and he was produced before the concerned police station alongwith the motorcycle in question.

Considering the aforesaid facts and circumstances, I am not inclined to grant bail to the petitioner for the present. The same is rejected in Bhabua P.S. Case No. 239/2016, G.R. No. 980/2016, pending in the court of the learned C.J.M., Kaimur at Bhabua.

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(Sudhir Singh, J)