

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.18066 of 2016

Arising Out of PS.Case No. -23 Year- 2016 Thana -PARSABAZAR District- PATNA

1. Ashok Sah S/o Sudama Sah Resident of vill. - Shahpur, P.S. Parsa Bazar,
Distt. - Patna

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Madheshwar Singh

For the Opposite Party/s : Mr. Ram Naresh Roy(App)

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 10-05-2016 Heard learned counsel for the petitioner and the learned
A.P.P. for the State.

The petitioner apprehends his arrest in connection
with Parasa Bazar P.S.Case No. 23/2016 registered for offences
punishable under Sections 414/34 of the Indian Penal Code.

The prosecution case, in brief, as per written report of
the S.H.O., Parsa Bazar is that the informant along with police
force reached at Ganjpar for raid against illegal preparation and
selling the country made Mahua wine, particularly by the
petitioner, Ashok Sah. On the said information the informant
along with police force made search of the house of the petitioner
and recovered from the house of the petitioner one Hero Honda C
D Delux red colour motorcycle but the original papers were kept

in the custody of one Jeetendra Kumar, relative of the petitioner and motorcycle was seized by the informant before two independent witnesses and prepared its seizure list.

It has been submitted by the learned counsel for the petitioner that he is innocent and the motorcycle was kept by another co-accused Jeetendra Kumar, who is relative of the petitioner and the said co-accused Jitendra has accepted his guilt in his confessional statement, who has already been allowed the bail by the learned Judicial Magistrate, 1st class, Patna.

Learned counsel for the petitioner submits that the petitioner has no criminal antecedent and has been falsely implicated on the confession as the motorcycle was recovered from house, which has been kept by said Jeetendra Kumar. It has further been submitted that no alleged offence under Section 414 of the Indian Penal Code is made out against the petitioner and no overt act has been committed by him. He undertakes not to abscond or tamper with the evidence.

However, learned A.P.P. for the State submits that the petitioner is named in the First Information Report, hence, opposes the prayer for bail.

Under such circumstances, since co accused Jeetendra Kumar in his confessional statement has accepted his guilt, let the

petitioner, above named, in the event of his arrest or surrender before the Court below within a period of eight weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand only) with two sureties of like amount each to the satisfaction of Smt. Gayatri Kumari, learned Judicial Magistrate, 1st class, Patna in connection with Parsa Bazar P.S.Case No. 23/2016, subject to the conditions as laid down under Section 438 (2) of the Cr. P.C.

(Nilu Agrawal, J)

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