

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40099 of 2016

Arising Out of PS.Case No. -63 Year- 2016 Thana -RAJAPAKAR District- VAISHALI(HAJIPUR)

=====

1. Vipul Kumar S/o Late Vishundev Singh, R/o Village Gauspur, P.S. Rajapakar, Distt- Vaishali.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Manish Chandra Gandhi

For the Opposite Party/s : Mr. Sri Ramchandra Singh

=====

CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

2 19-09-2016

Heard learned counsel for the petitioner as well as learned

Additional Public Prosecutor.

On getting confidential information over anti social activities of the criminals who were engaged in sale of stolen motorcycle, raid was conducted and during course thereof, a person was apprehended who happens to be the petitioner while remaining escaped whose name have been disclosed by the petitioner. Furthermore, four motorcycles were found without number plate and for that petitioner had confessed that all happens to be stolen. Furthermore, on pointing out of petitioner the house of Virchandra Paswan was searched where from three stolen motorcycles were seized. Subsequently thereof, the house of Sakindra Paswan, was raided at the instance of petitioner where from again four motorcycles were seized. All happens to be stolen.

It has been submitted on behalf of the petitioner that the occurrence is said to be in between night of 06.05.2016 while the F.I.R., has been registered on 07.05.2016. Apart from this, it has also been submitted

that there happens inconsistency with regard to timing relating to raid having been conducted at the houses of different persons and in the aforesaid backgrounds, false implication of petitioner would not be ruled out.

The learned A.P.P. opposes the prayer for bail.

From the written report itself, it is evident that the same was ascribed on 07.05.2016. From perusal of the said report it is evident that informant had received information on 06.05.2016 at about 20 hour (08:00 PM) and then thereafter, the prosecution party came in action. Furthermore, from first seizure it is evident that it was prepared on 06.05.2016 at about 23:30 hour that means to say 11:30 PM. It was prepared in village Gospur near the house of Sunny Kumar. Then thereafter, on the inculpatory extra-judicial confessional statement of petitioner, the house of co-accused Virchandra Paswan was searched on 07.05.2016 at about 2.30 AM while the house of Sakindra Paswan, was searched on the same day about 7:30 AM.

From the aforesaid eventuality, it is apparent that aforesaid exercise was in its continuity. Petitioner's contention that the same should happens to be in mechanical manner is not perceivable in the background of fact that after exhausting the legal processes at one place, then thereafter another place has been visited. Furthermore, the seizure was made in the night at first instance and so, without having proper light, it could not have proceeded with, and subsequently.

That being so, I do not see it a fit case for grant of bail. Prayer for bail of the petitioner is rejected.

siddharth/-

(Aditya Kumar Trivedi, J)

U		T	
---	--	---	--