

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9190 of 2017

Arising Out of PS.Case No. -455 Year- 2016 Thana -KISHANGANJ District- KISANGANJ

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1. Sajaha Ali @ Sah Jahan Ali Son of Abdul Sattar Ali Resident of Village -
Laskargaon, P.O. Pokharia, P.S. Goalpokhar, District - Uttar Dinajpur
(W.B.).

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amal Kumar Sinha

For the Opposite Party/s : Mr. Sri Gauri Shankar Gupta

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

3 28-03-2017 Heard learned counsel for the petitioner, and the

learned counsel representing the State.

The petitioner apprehends his arrest in connection
with Kishanganj P.S Case No. 455 of 2016 registered for the
offences punishable under Sections 379 and 411 of the Indian
Penal Code.

Allegedly, a Tata Magic vehicle, without number,
was stopped by the informant and other villagers after blocking
the road from JCB machine but the driver fled away. Thereafter
after ten minutes, another vehicle was also stopped and driver
Jeetu and the owner Tajmul were caught with vehicle, in which
stolen electric wire was loaded, they were handed over to the



Chaukidar but Chaukidar got them fled away with the vehicle and Tata Magic, without number, was handed over to the police, loaded with aluminum wire. During investigation witnesses Md. Jiyaul, Md. Sabatullah and Md. Manuddin vide paras 27, 28 and 29 of the case diary stated that the petitioner was the driver of Tata magic vehicle which was without number and the petitioner succeeded in fleeing away with the owner.

Submission is of false implication and that there is no legal and tangible material against the petitioner. The petitioner was not caught on the spot, nothing was recovered from conscious possession of the petitioner, he has got no concern with that vehicle and, as such, the petitioner deserves sympathetic consideration.

Learned A.P.P. opposes the prayer of pre-arrest bail by submitting that three witnesses have stated the name of the petitioner who succeeded in fleeing away after leaving the vehicle which was loaded with aluminum wire. The petitioner was driving the said vehicle.

In the facts and circumstances stated above, considering the allegations attributed against the petitioner, I am not inclined to grant privilege of pre-arrest to him and accordingly, his such prayer stands rejected in connection with



Kishanganj P.S. Case No. 455 of 2016 pending in the Court of
learned C.J.M., Kishanganj.

(Jitendra Mohan Sharma, J)

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