

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8007 of 2017

Arising Out of PS.Case No. -63 Year- 2016 Thana -SIDHWALIA District- GOPALGANJ

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Dharmendra Mahato @ Dharmendra Kumar Mahato, Son of
Chandrakeshwar Mahato, Resident of Village- Larauli, Police Station-
Sidhwalia, Gopalganj.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Lokesh Kumar Singh, Advocate

For the Opposite Party : Mr. Braj Kishore Prasad (APP)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

2 03-03-2017 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner apprehends his arrest in connection
with Sidhwalia P.S. Case No. 63 of 2016, registered for the
offences punishable under Sections 401, 413, 414, 467, 468, 471,
120(B) of the Indian Penal Code.

Allegedly, in the house of Binod Mahato, Binod
Mahato was apprehended and after search white colour Apache
stolen motorcycle was recovered and on interrogation Binod
Mahato stated the name of the petitioner and one Rakesh Kumar
that they used to bring stolen motorcycle and then at the betel
shop of the petitioner raid was conducted and from there four
stolen motorcycles were recovered and Rakesh Kumar, Mithilesh



Mahato and Rohit Kumar were apprehended. Rakesh Kuamr also stated the name of the petitioner that they used to purchase stolen motorcycle and after preparing forged document used to sale on higher price.

Submission is of false implication and that the petitioner was not apprehended at the spot, nothing has been recovered from conscious possession of the petitioner. The petitioner has got no concern with Binod Mahato and Rakesh Kumar and they have falsely stated the name of the petitioner and, as such, the petitioner deserves sympathetic consideration.

The learned A.P.P. opposes by submitting that at the betel shop of the petitioner four motorcycles were recovered and, as such, he does not deserve pre-arrest bail.

In the facts and circumstances as stated above, considering the allegation 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 Sidhwalia P.S. Case No. 63 of 2016, pending in the Court of learned Additional Chief Judicial Magistrate-VIII, Gopalganj.

(Jitendra Mohan Sharma, J.)

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