

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 26252 of 2017

Arising Out of PS.Case No. -34 Year- 2017 Thana -KUTUMBA District- AURANGABAD

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Briju Rajwar @ Birju Rajwar, Son of Late Ram Khelawan Ram @ Kilawan Rajwar, Resident of Village- Pandeypur, P.O.- Nawadih, P.S.- Indrapuri, District- Rohtas.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vikram Deo Singh, Advocate
For the State : Mr. Sahin Begam, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 01-07-2017

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends arrest in connection with Kutumba P.S. Case No. 34 of 2017 dated 11.03.2017 instituted under Section 414 of the Indian Penal Code.

3. The allegation against the petitioner is that he had sold the stolen motorcycle to the person from whom it has been recovered.

4. Learned counsel for the petitioner submitted that the person from whom the recovery has been made did not produce any paper and only the oral statement of the person being that the petitioner had sold the motorcycle to him.



5. Learned A.P.P. submitted that unless the petitioner was known to the person from whom the recovery was made, his name could not have been taken and once the name has been taken, it is but natural that there is a connection between the petitioner to the crime as otherwise there is no reason for any false implication.

6. Considering the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is not inclined to enlarge the petitioner on anticipatory bail.

7. The application, accordingly, stands dismissed.

8. However, in the event the petitioner surrenders and prays for bail before the Court below, the same shall be considered on its own merits, in accordance with law, without being prejudiced by the present order.

(Ahsanuddin Amanullah, J.)

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