

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28820 of 2017

Arising Out of PS.Case No. -11 Year- 2014 Thana -SHEKHPURA District- SEKHPURA

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Ganesh Viswkarma @ Ganesh Prasad Vishwakarma, Owner of Om Engineering Leath Machine situated at Bypass V.I.P. More, Son of Late Sohrai Mistri, resident of village - Kamashi Bajar, P.S. Sheikhpura, District - Sheikhpura.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

4 14-09-2017 Heard learned counsel for the petitioner and the learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with Sheikhpura Town P.S. Case No.11 of 2014 registered under Sections 120(B) and 414 of the Indian Penal Code, pending in the court of the Chief Judicial Magistrate, Sheikhpura.

The accusation is that the informant being the Officer Incharge of Sheikhpura Town Police Station got information about selling of theft motorcycle by a gang led by Guddu Mahto through Simran, engaged in running the shop of welding machine near the V.I.P. More. Thereafter, the informant alongwith other police officials raided the premises of Om Engineering, situated near V.I.P. More, of



the petitioner from where one Splendar Plus Motorcycle bearing Registration No.BR.45E-5621 was recovered but the petitioner was not present there and his family members could not produce any paper regarding the aforesaid motorcycle. Similarly, one Pulsar Motorcycle was recovered from the house of Sri Mahto and one another motorcycle was also recovered in an abandoned condition near the Station Chowk.

Learned counsel appearing on behalf of the petitioner submits that it would appear from the F.I.R. that at the time of search of the premises of Om Engineering, the petitioner was not present there and the petitioner has falsely been implicated in this case. In fact, the alleged seized motorcycle to the premises of Om Engineering does not belong to the petitioner.

Having considered the facts and the circumstances of the case and the nature of allegation, I am not inclined to grant anticipatory bail to the petitioner. Accordingly, the prayer of the petitioner for grant of anticipatory bail stands rejected. However, the petitioner is directed to surrender before the trial court within four weeks from today and pray for regular bail, which shall be considered by the trial court in accordance with law without being prejudiced by the order of this Court.

(Rajendra Kumar Mishra, J)

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