

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48720 of 2016

Arising Out of PS.Case No. -7 Year- 2016 Thana -KATIHAR GRP CASE District- KATIHAR

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Md. Arman son of Md. Kuddus resident of Village Ward No.14,
Forbesganj, P.S.- Forbesganj, District- Araria.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bimal Kumar, Adv.

For the Opposite Party/s : Mr. Vinod Shankar Modi, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

3 17-01-2017 Heard both sides.

The petitioner apprehends his arrest in Jogbani Rail
P.S. Case No. 07/2016, registered for the offences punishable
under Section 379 of the Indian Penal Code.

The informant lodged the case for theft of his
motorcycle bearing registration no. BR-38F-0185 from the
premises of Jogbani Rail Police Station.

Learned counsel for the petitioner submits that
petitioner is not named in the F.I.R. For the first time, the name of
the petitioner figured in the supervision note of the S.P. in which it
has come that the petitioner earlier committed theft of a
motorcycle for which Jogbani Rail P.S. 08/2015 was registered
and the stolen motorcycle was recovered from his possession.



Suspicion was raised against the petitioner. Thereafter, the witnesses suspected the hand of the petitioner in the aforesaid case of theft of motorcycle.

It is submitted that no tangible material is collected and the police is bent upon to arrest the petitioner merely because the petitioner is an accused in a case of theft of motorcycle being Jogbani Rail P.S. Case No. 08/2015, but from perusal of para 73 and 74 of the case diary, it appears that the witnesses, of course, after one and half month of the occurrence, very categorically stated that the petitioner with one Nepali boy were found inside the premises of the railway station and they saw the petitioner fleeing away with one red colour Hero Honda Glamour motorcycle. After some time, it was reported that the Hero Honda Glamour motorcycle of the informant was stolen.

Considering the facts aforesaid, I am not inclined to enlarge the petitioner above-named on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J.)

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