

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.61430 of 2017

Arising Out of PS. Case No.-613 Year-2017 Thana- HAJIPUR District- Vaishali

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Md. Jamil, S/o- Noor Mohammad Mian, R/o- Bawali Mohalla, P.S.- Hajipur
Nagar, District- Vaishali.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anish Chandra, Adv.

For the Opposite Party/s : Mr. Rajeev Nayan, APP.

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 20-12-2017 Heard learned counsels for the petitioner and State.

The petitioner is apprehending arrest in a case registered
for the offences punishable under Sections 414/34 of the IPC.

The prosecution case is that on receiving information about
keeping the stolen motorcycle by this petitioner in his house at
village Bawali, the informant along with other police officials
reached there and raided the house in presence of independent
witnesses. In course of raid, one Splendor Pro motorcycle was
recovered and at that time, none was present in the house. On
query, villagers disclosed that the son of the petitioner



Mohammad Irshad commits theft the motorcycle and the petitioner and his wife act as a shield to his criminal act.

It is submitted by learned counsel for the petitioner that the son of the petitioner used to bring the stolen motorcycle in the house, but keeping in view the fact that the house has been registered in the name of this petitioner, son of the petitioner, Md. Irshad, in spite of the fact that he is having criminal antecedent, he has been granted privilege of anticipatory bail by a co-ordinate Bench of this Court, vide Cr. Misc. No. 57749 of 2017. However, the petitioner is not having any criminal antecedent, statement to that effect has been made in paragraph no.3 of the petition.

Learned APP submits that recovery has been made from the house of the petitioner.

Considering the fact that a Bench of this Court, while granting anticipatory bail to the son of the petitioner, namely, Md. Irshad, has recorded that on query, the villagers disclosed that motorcycle was actually stolen by the son of the petitioner, it is a good case for consideration of bail.

Let the learned court below may consider the prayer for bail of the petitioner if he surrenders within a period of six weeks in connection with Hajipur Nagar P.S. Case No. 613 of 2017,



pending in the court of learned Chief Judicial Magistrate,
Vaishali at Hajipur.

Accordingly, the present application is disposed of.

(Dinesh Kumar Singh, J)

Amrendra/-

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