

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.3980 of 2017

Arising Out of PS.Case No. -146 Year- 2016 Thana -KHAIRA District- SARAN

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Kamala Ray, son of Late Ghamandi Ray, resident of village - Gavendri, P.S.
- Bheldi, District- Saran at Chapra. Petitioner

Versus

The State of Bihar. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Arvind Kumar

For the Opposite Party/s : Mr. Sri Rana Randhir Singh

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**

ORAL ORDER

2 17-02-2017 Heard learned counsel for the petitioner and learned
counsel representing the State.

Petitioner apprehends his arrest in connection with
Khaira (Nagar) P.S. Case No. 146 of 2016 registered for the
offences punishable under Sections 420, 414, 467, 468, 471, 120B
of the Indian Penal Code.

Allegedly one Tata Sumo Victa bearing Regd. No.
BR10D-6428 was parked at Kabari Shop of Nikku Miyan and
Nikku Miyan told that one Saheb Ray has parked the said vehicle.
In presence of independent witnesses the vehicle was searched and
during search owner book in the name of Ram Pukar Tiwary and
a sale letter in the name of Ram Pukar Tiwary as seller and
Kamala Ray as purchaser were recovered and after inquiry it
revealed that the owner of this vehicle is Praveen Kumar and the
registration number is of a motorcycle and accordingly, the case



was registered against the garage owner and others including the petitioner for keeping stolen vehicle.

Submission is of false implication and that besides the sale letter there is nothing on the record to show that the petitioner has got any concern with the said vehicle, the photo copy of sale letter being not authentic cannot be relied upon and on that basis the petitioner cannot be made accused. One Saheb Rai has parked the said vehicle and the petitioner has got no concern with the said vehicle, he is aged about 75 years and there is nothing to show that the petitioner has ever purchased the said vehicle and the petitioner has no means to purchase the said vehicle.

Learned APP seriously opposes the prayer of pre-arrest bail by submitting that photo copy of sale letter recovered from the vehicle goes to reveal that the petitioner has purchased the vehicle and sale letter was prepared.

In the facts and circumstances stated above, considering the aforesaid material, I am not inclined to grant privilege of pre-arrest bail to the petitioner, accordingly, his such prayer stands rejected.

(Jitendra Mohan Sharma, J)

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