

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.54945 of 2018

Arising Out of PS. Case No.-238 Year-2018 Thana- BIHIA District- Bhojpur

Rudal Sharma S/o Mahendra Sharma, R/o Vill./Mohalla- Nouse Tand,
Mathiya, P.S.- Bihiya, District- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar

For the Opposite Party/s : Mr. Ganesh Prasad Singh

**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL ORDER

4 12-12-2018 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner apprehends his arrest in connection
with Bihiya P.S. Case no. 238 of 2018, registered under
Sections 414, 420, 467, 468, 471 and 120-B/34 of the Indian
Penal Code.

Co-accused Kishun Kumar is said to have been
apprehended with stolen motorcycle during the course of
vehicle checking and has named the petitioner as one of his
fleeing accomplice in the occurrence. The said accused in his
confessional statement has stated that the stolen TVS
motorcycle has been kept at the house of the petitioner and
the said motorcycle was recovered from his house.



Learned counsel for the petitioner submits that no occurrence as alleged ever took place. He has been falsely implicated in this case by the co-accused Kishun Kumar due to animosity. The house of the petitioner is inhabited by his several family members and he had no knowledge of parking of the said motorcycle in his house. There is violation of Section 100 Cr.P.C. Moreover, no F.I.R. regarding the theft of the aforesaid motorcycle has been lodged. Petitioner was not apprehended on the spot.

Having regard to the facts and circumstances of the case, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the C.J.M., Bhojpur at Ara in connection with Bihiya P.S. Case No. 238 of 2018, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Prakash Chandra Jaiswal, J)

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