

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9582 of 2018

Arising Out of PS. Case No.-129 Year-2017 Thana- DUMRIAGHAT District- East
Champaran

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Munilal Paswan, S/o Chuhan Paswan @ Chaturdan Paswan R/o Village-
Siswa, P.S.- Dumariyaghat , District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ambuj Kumar Chandra, Adv.
For the Opposite Party/s : Mr. Anil Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 20-02-2018 Heard learned Counsels for the petitioner and learned APP
for the State.

The petitioner is apprehending arrest in a case registered
for the offences punishable under Sections 413 and 414/34 of
the Indian Penal Code.

The prosecution case got initiated on the basis of written
report dated 06.10.2017 submitted by the Station House Officer,
Dumaria Ghat Police Station (Camp Hussaini Bazar) addressed
to the Chief Judicial Magistrate, East Champaran, Motihari to
the effect that on 06.10.2017 at about 10 A.M., a secret
information was received that somebody is traveling on stolen
motorcycle from village Siswa to Husaini Bazar, a Sanha entry
was made and a raid was led, leading to interception of a person



with a Hero Honda Splendor Pro motorcycle, who disclosed his name as Sitesh Kumar Ojha. On demand by the police he failed to produce any document with regard to the seized motorcycle, but he suggested that he and the petitioner purchased the stolen motorcycle and the petitioner used to purchase and sell the stolen motorcycle.

It is submitted by learned counsel for the petitioner that except the confession of the intercepted accused, there is nothing against the petitioner. Admittedly, neither the stolen motorcycle has been recovered from the petitioner, nor there is anything on record to suggest that the seized motorcycle has been purchased by the petitioner. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

It is submitted by Mr. J. N. Thakur learned APP for the State that the name of the petitioner sprang up on the basis of the confession of co-accused.

Considering the fact that there is nothing on record to suggest that the seized motorcycle has been recovered from the petitioner or the petitioner has purchased the seized motorcycle, coupled with statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, let the



above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 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 learned ACJM,-1, Motihari, in connection with Dumariyaghat P.S. Case No.129 of 2017, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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