

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.70812 of 2018

Arising Out of PS. Case No.-297 Year-2018 Thana- CHIRAIYA District- East Champaran

Shashi Bhushan Kumar @ Shashi Kumar Yadav, Son of Umesh Rai, Resident
of Village- Harihana, P.S.- Shikarganj, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 18-12-2018 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner is apprehending arrest in a case registered
for the offences punishable under Sections 406,420,414,34 of
the Indian Penal Code.

The prosecution case got initiated on the basis of a written
report dated 05.08.2018 submitted by Ram Pujan Yadav to the
Station House Officer, Shikarganj Police Station to the effect
that on 03.08.2018, the informant purchased one Glamour
motorcycle from the petitioner, Shashi Kumar Yadav, for a
consideration amount of Rs.33,000/-, whereupon, Rs.27,000/-
was paid to the petitioner as an advance. Thereafter, the
petitioner handed over the motorcycle to the informant along
with a Smart Card. Subsequently, it came to the knowledge of



the informant that the motorcycle is a stolen one. Hence, the informant demanded his money back, but the petitioner declined to return the same. Thereafter, the informant, on 05.08.2018, produced two motor-cycles and a Smart Card before the S.H.O. Shikarganj, leading to the registration of the present case.

It is submitted by learned counsel for the petitioner that the petitioner has maliciously been roped in as an accused in the present case due to previous enmity. There is no recovery from the petitioner, rather, the motorcycle in question has been produced by the informant himself. It is further submitted that there is no documentary evidence on record to suggest that the informant has purchased the motorcycle in question from 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 learned APP for the State that there is specific accusation against the petitioner in the FIR.

Considering the fact that there is no documentary evidence to support the accusation levelled in the FIR, 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, Sikarahara Dhaka, in connection with Chiraiya (Shikarganj) P.S. Case No.297 of 2018, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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