

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40259 of 2019

Arising Out of PS. Case No.-756 Year-2018 Thana- BETTIAH CITY District- West
Champaran

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SUSHIL RAM Son of Late Mahangu Ram Resident of Village - Ratanpura,
P.S.- Chanpatia, Distt - West Champaran at Bettiah.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Raghunandan Kumar Singh
For the Opposite Party/s : Mr.Uma Shankar Prasad Singh

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**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN
SINGH**

ORAL ORDER

5 04-09-2020 Heard learned counsel for the parties.

This application for anticipatory bail arises out of Bettiah (Town) P.S. Case No. 756 of 2018 for the offence under Sections 399, 402 and 414 of the Indian Penal Code and Section 25(1-b)a, 26 and 35 of the Arms Act.

Three persons who were apprehended by the police, are said to have made a disclosure, in respect of the manner, in which, they committed crimes of looting motorcycles and other valuables. They also disclosed that the stolen motorcycles would be kept in the petitioner's shop (garage) initially, who used to sell the motorcycles with the aid of co-accused Bhola Yadav. On the basis of their disclosure, one stolen motorcycle was recovered from the shop of the petitioner and another from a



premises occupied by Bhola Kumar @ Bhola Yadav.

Learned counsel for the petitioner has submitted that no recovery of motorcycle has been made from the petitioner's possession and only frame of a motorcycle was recovered from the petitioner's garage. The petitioner is a motor mechanic, he submits.

Considering the seriousness of the offence and allegations in the F.I.R., which disclose commission of organized crime by a gang, in my opinion, this is not a fit case for grant of anticipatory bail.

This application is dismissed.

The petitioner is directed to surrender before the Court below within a period of four weeks from today and seek regular bail, if so advised. If he does so, his application for regular bail shall be considered by the learned Court below on its own merit without being prejudiced by rejection of present application for grant of anticipatory bail.

It is directed that defects in the application pointed out by the Registry must be removed within two months from today.

Since there is a lockdown, the Court has considered it appropriate to adopt following procedure for communication



of the present order:-

(i) The order, which has been dictated during the course of the proceedings of virtual Court, shall be communicated to me on my e-mail I.D. by the Secretary.

(ii) The corrected copy of the order shall be transmitted by me from my e-mail I.D. to the Secretary, which shall be treated to be the authentic copy of the order passed by this Court today in the present proceeding.

(iii) Hard copy of the order, duly signed by me, shall be preserved in my residential office for documentation and future use, if any.

(iv) Let a copy of the order be communicated to the learned court below through e-mail or any other appropriate electronic mode by the Registry.

Let steps be taken by the Registry for uploading of the present order without compromising with the norms of social-distancing.

(Chakradhari Sharan Singh, J)

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