

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15176 of 2021

Arising Out of PS. Case No.-716 Year-2020 Thana- BHAGALPUR KOTWALI District-
Bhagalpur

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Vikash Kumar Choudhary @ Vikash Choudhary, aged about 30 years, Male,
Son of Madan Choudhary, Resident of Village - Mayaganj mushari Tola, P.S.-
Barari, Distt.- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Jha, Advocate
For the State : Ms. Meena Singh, APP

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 05-08-2021

The matter has been heard *via* video conferencing.

2. The case has been taken up out of turn on the basis of motion slip filed by learned counsel for the petitioner on 29.07.2021, which was allowed.

3. Heard Mr. Ranjan Kumar Jha, learned counsel for the petitioner and Ms. Meena Singh, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

4. The petitioner apprehends arrest in connection with Kotwali (Tilkamanjhi) PS Case No. 716 of 2020 dated 19.11.2020, instituted under Sections 379/411 of the Indian Penal Code.

5. As per the informant, his motorcycle was stolen during night for which the present case has been instituted.



However, it is not against any named person and during investigation co-accused Chandan Kumar Yadav @ Golu Yadav was arrested by the police and he disclosed that the stolen motorcycle was kept by him at the house of the petitioner and thereafter when the police has gone to the house of the petitioner, from his courtyard, motorcycle was recovered.

6. Learned counsel for the petitioner submitted that though from the circumstances, it appears that there is recovery of stolen motorcycle from the courtyard of the petitioner but from the seizure list, there being no signature of any inmate of the house, raises serious doubts with regard to authenticity of the allegation of such recovery from the house of the petitioner. It was submitted that only the said co-accused Chandan Kumar Yadav @ Golu Yadav has signed on the seizure list. He submitted that the petitioner has got no other criminal antecedent.

7. Learned APP submitted that during investigation, from the CCTV footage two miscreants were seen committing theft and one has been identified as Chandan Kumar Yadav @ Golu Yadav by the local person Sonu Kumar and he was apprehended. Learned counsel submitted that once the co-accused had gone with the police and recovery has been made and he has signed on the seizure list, the requirement of any other signature of



the inmates of the house cannot be fatal to the prosecution and all such matters are to be left at the stage of trial where evidence would be adduced by the respective parties, but for the present, there is strong presumption of guilt and involvement of the petitioner in committing the crime.

8. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court finds substance in the contention of learned APP. Thus, the Court is not inclined to grant pre-arrest bail to the petitioner.

9. Accordingly, the petition stands dismissed.

(Ahsanuddin Amanullah, J)

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