

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32006 of 2020

Arising out of PS. Case No.-156 Year-2016 Thana- MADHUBAN District- East Champaran

Upendra Singh, aged about 39 years (Male) Son of Ram Chandra Singh
Resident of Village - Delho, P.S.- Madhuban, District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Abdul Mannan Khan, Advocate
For the State	:	Mrs. Nirmala Kumari, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 12-03-2021

Heard Mr. Abdul Mannan Khan, learned counsel for
the petitioner and Ms. Nirmala Kumari, learned Additional Public
Prosecutor (hereinafter referred to as the ‘APP’) for the State.

2. The petitioner apprehends arrest in connection with
Madhuban PS Case No. 156 of 2016 dated 10.06.2016, instituted
under Sections 414 and 420 of the Indian Penal Code.

3. The allegation against the petitioner is that from the
front of the house of the petitioner, a stolen motorcycle was
recovered.

4. Learned counsel for the petitioner submitted that as
per the FIR itself the recovery is said to have taken place on
30.12.2015, but the FIR has been instituted on 10.06.2016.
Learned counsel submitted that the recovery is not from the



premises of the petitioner and he has no connection with the same.
It was submitted that the petitioner has no criminal antecedent.

5. Learned APP submitted that the recovery of the motorcycle was duly recorded on 30.12.2015 itself and there was no delay. Further, it was submitted that as the petitioner has not appeared before the police or was arrested, it took time for the police to verify the fact about theft of the motorcycle. Learned counsel submitted that the family members of the petitioner having confirmed that the motorcycle was used by the petitioner, there is no doubt that he was involved in the crime.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is not inclined to grant pre-arrest bail to the petitioner.

8. Accordingly, the application stands dismissed.

9. However, on submission of learned counsel for the petitioner, the Court would observe that if the petitioner appears before the Court below within four weeks from today and prays for bail, the same shall be considered on its own merits, in accordance with law, without being prejudiced by the present order.

(Ahsanuddin Amanullah, J)

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