

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31615 of 2020

Arising Out of PS. Case No.-147 Year-2020 Thana- DHANAHA District- West Champaran

PRINS RAI S/o Subhash Rai Resident of Village-Rajpur Khas, P.S-Sewarahi,
District-Kushi Nagar, Uttar Pradesh.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar

For the Opposite Party/s : Mr.Parmeshwar Mehta (APP)

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

ORAL ORDER

3 07-01-2021 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor appearing on behalf of the State.

This application for grant of regular bail arises out of
Dhanaha P.S. Case No. 147 of 2020 registered for the offence
punishable under Sections 414/34 of the Indian Penal Code and
Section 25(1-b)a/35 of the Arms Act.

The Police Officer is the informant, who has alleged
in the F.I.R. that while on patrolling duty he was informed by
the owner of a tractor that his tractor was stolen, in respect of
which, he had given an information to the police telephonically.
The informant is said to have acted upon immediately and
apprehended three persons in suspicious circumstances,
including this petitioner. They recovered certain articles from



the persons arrested. From the petitioner's possession one mobile phone with sim was recovered. The motorcycle, registered in the name of the petitioner's father, was also seized. It has been further alleged that on the basis of disclosures made by them, the stolen tractor was recovered from near the residence of co-accused Rakesh Chaudhary. The F.I.R. refers to the confessional statements made by the co-accused Abhishek Verma. The petitioner is in custody since 03.07.2020.

Learned counsel appearing on behalf of the petitioner has submitted that no offence punishable under Section 414 of the Indian Penal Code can be said to be made out, as there is no recovery of any stolen articles from the petitioner's possession. It has been stated that in paragraph 3 of the application that the petitioner has no criminal antecedent.

Considering the fact that the petitioner is in custody since 03.07.2020 and the fact that he has no criminal antecedent, in the background of nature of accusation, as noted above, this application is allowed.

Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Bagaha, West Champaran in Dhanaha P.S.



Case No. 147 of 2020.

(Chakradhari Sharan Singh, J)

AKASH/-

U		T	
---	--	---	--

