

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 31842 of 2020**

Arising Out of PS Case No.-52 Year-2020 Thana- BUXAR District- Buxar

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Rahul Kumar @ Rahul Kumar Singh, aged about 20 years (M), Son of Sunil Singh, Resident of Village - Mahdah, PS- Buxar (M), District- Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Dr. Kamal Deo Sharma, Advocate
For the State : Mr. Choubey Jawahar, APP

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**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH**

ORAL JUDGMENT

Date : 26-02-2021

Heard Dr. Kamal Deo Sharma, learned counsel for the petitioner and Mr. Choubey Jawahar, learned Additional Public Prosecutor (hereinafter referred to as the ‘APP’) for the State.

2. The petitioner apprehends arrest in connection with Buxar (Town) PS Case No. 52 of 2020 dated 31.01.2020, instituted under Sections 414/34 of the Indian Penal Code.

3. The allegation against the petitioner, though not named in the FIR, is that he was in the business of stealing of motorcycle.

4. Learned counsel for the petitioner submitted that he was not caught and also no recovery has been made from his house of any incriminating material, much less any motorcycle. It was



submitted that co-accused Shivam Kumar whose confessional statement has implicated the petitioner is of the same village as the petitioner and due to local rivalry, he has named him. It was submitted that the petitioner had two other criminal cases against him but since both with regard to allegation of abduction of a girl which is false as he is living with that girl.

5. Learned APP submitted that the co-accused Shivam Kumar as well as Dhiraj Yadav have taken the petitioner's name and the specific allegation is that the petitioner was in the business of sealing motorcycle from before. It was submitted that there is absolutely no believable reason as to why a co-villager would be implicated falsely.

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.

7. Accordingly, the application stands dismissed.

(Ahsanuddin Amanullah, J.)

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