

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4982 of 2021

Arising Out of PS. Case No.-82 Year-2019 Thana- MAINATAND District- West
Champaran

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ABDULLAH DEWAN S/o Mehadi Dewan R/o village- Pakuhawa Pachhim,
P.S.- Mainatand, District- West Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar Shrivastava, Adv.
For the Opposite Party/s : Mr. Nitya Nand Tiwari, APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 06-08-2021 Heard the learned counsel for the petitioner and

the learned APP for the State.

The petitioner seeks bail in anticipation of his

arrest in connection with Mainatand P.S. Case No. 82 of

2019 instituted for the offences under Section 414 of the

Indian Penal Code.

The petitioner had earlier been made accused in

Mainatand P.S. Case No. 48/2018, which was registered

under Section 30(a) of the Bihar Prohibition and Excise



Act, 2016. In the aforesaid case, the petitioner was found to be in possession of a motorcycle and liquor. For that, a case under the Excise Act only was registered. The petitioner had informed the Investigating Officer of that case that the vehicle is not a stolen property and that he had purchased it from a vendor for a valid consideration. Accepting such explanation, no case under Section 379 or 414 of the Indian Penal Code was lodged while registering Mainatand P.S. Case No. 48 of 2018. Much later, after the release of the aforesaid motorcycle which was seized in that case, in favour of owner, the present case has been lodged with the accusation of the petitioner keeping / purchasing a stolen motorcycle.

The learned counsel for the petitioner has submitted that this timelag in lodging of the present case under Section 414 of the Indian Penal Code speaks volumes about the incorrectness and malafides of the prosecution version. Had the accusation been true, the petitioner would have been made accused in Mainatand P.S. Case No. 48 of 2018 for the offence under Section



414 of the Indian Penal Code along with Section 30(a) of the Bihar Prohibition and Excise Act. That not having been done, the implication of the petitioner in the present case with respect to the same transaction only leads to an inference that the local police is trying to frame the petitioner.

Regard being had to the aforesaid facts, the petitioner, above named, is directed to be released on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, West Champaran, Bettiah, in connection with Mainatand P.S. Case No. 82 of 2019, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

While saying so this Court has taken note of the fact that in the earlier case, namely, Mainatand P.S. Case No. 48/2018, the petitioner was granted bail and apart



from that case and the subject F.I.R., there is no other
case pending against him.

(Ashutosh Kumar, J)

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