

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5623 of 2021

Arising Out of PS. Case No.-174 Year-2020 Thana- SIRDALA District- Nawada

1. NIRAJ PANDEY Son of Narendra Pandey Resident of Village- Dhiraundh, P.S.- Sirdala, District- Nawada.
2. Ankit Pandey Son of Narendra Pandey Resident of Village- Dhiraundh, P.S.- Sirdala, District- Nawada.
3. Guddu Pandey Son of Gajanand Pandey Resident of Village- Dhiraundh, P.S.- Sirdala, District- Nawada.
4. Vikash Pandey Son of Gajanand Pandey Resident of Village- Dhiraundh, P.S.- Sirdala, District- Nawada.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Birendra Kumar

For the Opposite Party/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 29-11-2021 At the outset, learned counsel for the petitioners seek permission to withdraw the application of petitioner nos. 2 to 4 as the petitioner nos. 2 to 4 have been arrested during the pendency of the application.

Permission is granted.

Accordingly, the application is dismissed as withdrawn as against petitioner nos. 2 to 4.

Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

Learned counsel for the petitioners are expected to



honour their undertaking to remove the defects, as pointed out by the office, when called upon to do so by the office.

The petitioners are apprehending his/their arrest in connection with Sirdala P.S. Case No. 174 of 2020 for the offence registered under Sections 413 and 414 of the Indian Penal Code.

The prosecution case in brief is that Informant received information on his mobile that large number of stolen motorcycle are standing in front of the house of the petitioners and the said motorcycles are being used for the purpose of transporting illegal wine.

Learned counsel for the petitioners submits that the petitioners is innocent and has falsely been implicated in connection with the present case. It is further submitted that neither any stolen motorcycle recovered from the conscious possession of the petitioners nor from the house of petitioners rather all motorcycles recovered from the baranda of co-accused Dilip Pandey. Hence, offence under Section 413 and 414 of the Indian Penal Code is not made out against the petitioners. It is further submitted that the petitioners have no criminal antecedent.

Considering the facts and circumstances of the case,



let the petitioners, above named, in the event of his/their arrest/surrender before the court below within a period of four weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate -1st Nawada in connection with Sirdala P.S. Case No. 174 of 2020, subject to the conditions as laid down under Section 438(2) of the Cr. P.C.

(Sunil Kumar Panwar, J)

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