

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37684 of 2022

Arising Out of PS. Case No.-156 Year-2022 Thana- JOKIHAT District- Araria

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Sadikur Islam @ Sadik Alam S/o Rehsan, Resident of Village- Lotidapada,
P.S.- Lalgola, District- Murshidabad (West Bengal).

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nishant Kumar Sinha, Adv.

For the Opposite Party/s : Mr. Bharat Lal, APP.

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

3 01-12-2022 Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Jokihat P.S. Case No. 156 of 2022, lodged under Sections 413,
414, 411, 34 of the Indian Penal Code.

As per prosecution case, the F.I.R. has been lodged
against 10 accused persons. The specific allegation against the
present petitioner is that he used to do the work of *Kabadiwala*.
The allegation as per F.I.R. is that the engine of pulsar
motorcycle has been recovered from the house of petitioner. It
has been stated that the said article was handed over to the
petitioner by one Pappu. In the confessional statement, 3

apprehended accused persons told that upon selling the motorcycle they use to distribute the money among themselves.

Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence. He further submits that from the seizure list, it transpires that the recovery of motorcycles were made from Akbar Masood and Pappu, nothing was recovered from the possession of petitioner. He also submits that the petitioner is basically a *Kabadiwala* and he alleged himself to be the innocent. Learned counsel for the petitioner further submits that petitioner is in custody since 31.03.2022, charge sheet has been filed on 18.05.2022 and antecedent of petitioner is clean.

Upon specific query that whether charge has been framed in this case or not, learned counsel for the petitioner is unable to inform this Court that whether charge has been framed or not.

Learned counsel for the State opposes the prayer for bail and submits that there are cogent material in the F.I.R., by which it transpires that the petitioner use to purchase the theft motorcycle and sell the same after opening the parts in the name of *Kabadiwala*.

In the present facts and circumstances of this case and

the submissions made above, I am not inclined to grant bail to the petitioner, therefore, his bail application is hereby **rejected**.

Liberty is hereby granted to the petitioner that he may renew his prayer for bail after 2 months of framing of charge.

(Dr. Anshuman, J.)

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