

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9059 of 2023

Arising Out of PS. Case No.-974 Year-2022 Thana- TURKAULIYA District- East
Champaran

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SK. DAROGA @ MD. NASIR JAMSED S/o Sk. Iliyas R/o Village- Janerwa,
P.S.- Banjariya, Distt- East Champaran at Motihari.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rajesh Kumar

Mr. Deep Anshuman

For the Opposite Party/s : Mr.Tapeshwar Sharma

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 19-05-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner apprehends his arrest in connection with
Turkauliya (Banjariya) PS Case No. 974 / 2022 dated-
08.10.2022 registered for the offence under Section 413 / 414
of the IPC.

As per the prosecution case villagers apprehended a
thief, who was trying to steal motorcycle and upon information
police arrived at the place of occurrence and arrested the
apprehended accused person who disclosed his name as Nausad



Miya and after further inquiry he disclosed the name of petitioner and other accused persons. One stolen motorcycle, without number plate, was recovered from the house of the petitioner and one stolen motorcycle and parts of the motorcycle were also recovered from the house of co-accused person and motorcycle garage.

Learned counsel for the petitioner submits that petitioner has falsely been implicated in this case on the basis of statement made by arrested co-accused person. The motorcycle which was recovered, as alleged from the house of the petitioner, was parked in front of his house and petitioner was not aware about the fact that motorcycle was a stolen one. The motorcycle has not been recovered from the conscious possession of the petitioner.

I have heard learned counsel for the parties and perused the impugned order. One stolen motorcycle was recovered from the house of the petitioner as per the FIR and the seizure list. Learned Sessions Judge, East Champaran, Motihari has recorded a finding that it appears that there is a gang of motorcycle lifters and the petitioner is one of the members of the lifters gang. Accordingly, I am not inclined to differ with the finding of the learned Sessions Judge, East Champaran,



Motihari.

This anticipatory bail application is rejected.

(Anil Kumar Sinha, J)

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