

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55678 of 2022

Arising Out of PS. Case No.-178 Year-2022 Thana- MAHESI District- East Champaran

MD. ADIL @ MD. ADIL ANSARI Son of Md. Anwar R/V- Vishambharpur,
P.S- Mehsi, Dist- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhishek Kumar,Advocate

For the Opposite Party/s : Mr.Chandra Sen Prasad Singh,APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 20-01-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner apprehends his arrest in connection with Mehsi P.S. Case No. 178 of 2022 for the offence registered under Sections 401, 413, 414 and 34 of the Indian Penal Code.

As per the FIR, the informant on the basis of secret information, raided village Mirzapur and on the sight of the police, the accused persons tried to escape but two of them were apprehended. On query, they gave the name of the persons escaped, the petitioner being one of them. Further as on search, from 'chabutara' the motorcycle parts were recovered. Further, on their disclosure' the shop of the petitioner was raided where number of open motorcycles and parts scattered were recovered/seized. The apprehended accuseds confessed that they used to stole motorcycle and used to sell it to the present



petitioner. Accordingly, the FIR was lodged.

Learned counsel for the petitioner submits that he runs a motorcycle repair shop and it was natural that some motorcycles will remain present as also the parts scattered and thus, it cannot be said that the same were stolen one.

Learned APP for the State, on the other hand, take this Court to the FIR to show the kind of allegation of recovery/seizure from the repair centre to show that in such place, the different parts cannot be scattered the way it has been recovered/seized and further in the backdrop of the fact that the two arrested persons confessed to have sold the stolen motorcycles to the present petitioner, certainly he is not entitled for the relief, he is seeking.

Taking into account the kind of allegation that has come against the petitioner, this Court does not deem it proper to extend him privilege of anticipatory bail, which is accordingly rejected.

(Rajiv Roy, J)

Jagdish/Neha/-

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