

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60551 of 2022

Arising Out of PS. Case No.-115 Year-2022 Thana- MAIRWAN District- Siwan

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Rahul Singh @ Bhola Singh Son of Osiyar Singh @ Oshihar Singh @ Oshiar
Ray R/v- Surajpura, P.S.- Mairwa, District- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Tiwary, Advocate
For the Opposite Party/s : Mr. Navin Kumar Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 24-04-2023 Heard learned counsel appearing on behalf of the

petitioner and learned Additional Public Prosecutor appearing

on behalf of the State.

Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

The accused/petitioner is named in F.I.R. and
apprehended his arrest in connection with Mairwa P.S. Case No.
115 of 2022 registered for the offences punishable under
Sections 379 and 411 of the Indian Penal Code (in short
'I.P.C.').

The allegation against this petitioner is to commit
theft along with other co-accused persons and while committing



so cut about seven (07) quintals of electric cables, where stolen cables were seized while carrying with pickup vehicle bearing registration no. UP50BR3130 by informant and petitioner along with co-accused persons found run away leaving the vehicle on the spot.

Learned counsel appearing on behalf of the petitioner submitted that the petitioner was not apprehended on spot and as such the alleged stolen electric cables cannot be said to be recovered from vehicle/possession of petitioner. It is further pointed out that father of the petitioner, namely, Ohiyar Singh @ Osihar Singh is the proprietor of M/s East Indian Udyog Limited and in fact the alleged cable was belongs to the father of petitioner as he was also engaged in the activity of erection, testing and commissioning of electric line. While concluding the argument, it is submitted that petitioner is a man of clean antecedent.

Learned APP, while opposing the prayer of bail submitted that the stolen electric cables of seven quintals was seized from the possession of this petitioner, who was duly identified by informant, while running away leaving the pickup van. It is also pointed out by learned APP that no document is available on record, which may suggest that father of petitioner



was engaged in similar activities of commissioning electrical works, to suggest that seized cables belongs to him.

Considering the aforesaid facts and circumstances, as stolen electric cables appears to be recovered from the possession of the petitioner, the prayer of anticipatory bail of the petitioner is rejected herewith.

(Chandra Shekhar Jha, J)

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