

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31764 of 2024

Arising Out of PS. Case No.-221 Year-2023 Thana- BELA District- Sitamarhi

Arshe @ Arshad @ Md. Arse S/o Sheikh Najim R/o vill - Khuddi Bakhari,
P.S. - Bela, Distt. - Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sumit Jha, Advocate

For the Opposite Party/s : Mr. Lalan Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 27-05-2024 Heard Mr. Sumit Jha, learned counsel appearing on
behalf of the petitioner and the learned Additional Public
Prosecutor for the State.

2. The petitioner apprehends his arrest in connection
with Bela P.S. Case No. 221 of 2023, registered for the offences
punishable under Sections 414/34 of the Indian Penal Code.

3. Allegedly the police on a patrolling apprehended
three motorcycle riders. The apprehended persons disclosed that
the motorcycle was a stolen property. They also disclosed the
name of the petitioner with an allegation that it is the petitioner
who has given this motorcycle. On the disclosure made by the
apprehended person the police conducted a raid and near the
house of the petitioner one another motorcycle bearing
registration no. GK07738 was recovered.



4. Learned counsel appearing on behalf of the petitioner contended that the name of the petitioner has surfaced on the disclosure of the apprehended person, moreover the alleged recovery has been made from an open place near the bamboo clump which is not adjacent to the house of the petitioner. The petitioner has no concern over the said land. It is next contended that the name of the petitioner has been implicated only on suspicion and save and except the disclosure, there is no other material suggesting the complicity of the present crime. It is also the contention of the petitioner that there is no FIR or any complaint with regard to the theft of the motorcycle which is said to have been recovered from the bamboo clump.

5. On the other hand, learned counsel for the State opposed the pre-arrest bail application and submits that the petitioner is also accused in connection with Bihar Prohibition and Excise Act.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the stolen motorcycle has been recovered from an open place; barring the disclosure made by the apprehended person there is no other material suggesting the complicity of the petitioner in



the present crime, that apart the recovery is not preceded by any FIR/ complaint with regard to the theft of the motorcycle, let the petitioner above named be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Addtitional Chief Judicial Magistrate V in connection with Bela P.S. Case No. 221 of 2023, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

supratim/-

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