

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53626 of 2024

Arising Out of PS. Case No.-84 Year-2024 Thana- GAMAHARIYA District- Madhepura

Shankar Kumar Yadav @ Shankar Kumar Abrendra Yadav @ Amrendra
Yadav Village- Sakhua bhelwa Ps- Madhepura, Dist- Madhepura

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Singh

For the Opposite Party/s : Mr.Sanjay Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 31-08-2024 1. Heard the parties.

2. The petitioner apprehends his arrest in connection with Gamhariya P.S. Case No. 84 of 2024 dated 22.05.2024 registered for the offence under Section 413 / 414 of the I.P.C.

3. As per the F.I.R. Police got confidential information that the petitioner along with his brother-in-law / Rahul Kumar after committing theft have just returned to their house by a Pulsar motorcycle along with theft articles, reached there, and upon seeing the Police party one person standing with black colour Pulsar 150 CC motorcylce without number plate tried to flee away but was apprehended and on his alarm another person managed to flee away. The apprehended person disclosed his name as Rahul Kumar and the name of the person who managed to escape as Shankar Kumar Yadav (petitioner). From the house



of the said Rahul Kumar huge quantity of theft articles including black colour motorcycle without number plate was recovered.

4. Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in the present case by the Police on mere suspicion. He submits that the petitioner has not been apprehended on the spot. It is next submitted that there is no recovery of theft motorcycle or any incriminating articles either from the conscious possession of the petitioner and / or house belonging to him. From perusal of the seizure list it appears that black colour motorcycle without number plate and the theft articles have been recovered from the conscious possession of the apprehended co-accused / Rahul Kumar. The name of the petitioner has transpired in the present case in the confessional statement of the co-accused Rahul Kumar. The petitioner has got no criminal antecedent.

5. I have heard learned counsel for the parties and perused the materials available on record. The learned Sessions Judge, Madhepura in its order refusing anticipatory bail has categorically recorded that the informant in his re-statement recorded in paragraph no. 3 of the case diary has fully supported the prosecution version. The witnesses examined in paragraph nos. 4 & 5 have also supported the seizure and recovery as the



members of the raiding party. The Police recovered huge quantity of theft articles from the house of the co-accused / Rahul Kumar which were seized after making seizure list and the co-accused / Rahul Kumar confessed his guilt before the Police and disclosed the name of the petitioner as one of his accomplices in paragraph no. -6 of the case diary. Further, from perusal of the seizure list it appears that items like motor, poly wire cable, screw drivers etc. have been seized.

6. Considering the nature of accusation and the gravity of offence, I find no illegality and / or irregularity in the order of the learned Session Judge, Madhepura warranting interference by this Court. Accordingly, the prayer for grant of anticipatory bail is rejected.

(Anil Kumar Sinha, J)

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