

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31024 of 2025

Arising Out of PS. Case No.-55 Year-2016 Thana- DARPA District- East Champaran

Md. Salim @ Md. Shalim Miya, S/o Late Israil Miya, R/o Vill- Pipra, P.S.-
Darpa, Distt- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Nagendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

2 20-05-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in connection
with Darpa P.S. Case No. 55 of 2016 registered for the offences
punishable under Sections 414/34 of the Indian Penal Code.

3. The police on a secret information that co-accused
Md. Ajaj is engaged in keeping stolen motorcycles in his
sasural reached there and nabbed Md. Ajaj. In course of search,
one Hero Honda Glamour Motorcycle was recovered. The
apprehended co-accused Md. Ajaj disclosed that he received
Hero Honda Glamour Motorcycle from the petitioner, which is
said to be a stolen one.



4. Learned counsel for the petitioner contended that save and except the disclosure made by co-accused Md. Ajaj, there is no material suggesting complicity of the petitioner in the crime. The recovery of the motorcycle without there being any previous FIR and complaint, in that connection, cannot be said to be a subject matter of theft; hence, the contention of the informant that it was a stolen motorcycle, does not find substantiate. Further submission has been made that the petitioner is a man of fair antecedent and moreover the statement of the co-accused recorded before the police is not admissible in terms of Section 25 of the Indian Evidence Act.

5. On the other hand, learned counsel for the State opposed the bail application and submitted that the petitioner was evading from the law for the last eight years and on this account alone, the extraordinary jurisdiction as provided to this Court should not be exercised.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the petitioner was evading from the law for the last eight years, this Court is not acceded to the prayer of the petitioner for anticipatory bail. Accordingly, his prayer is rejected.

7. However, if the petitioner surrenders before the



court below, preferably within a period of four weeks from today and seeks regular bail, the same shall be considered on its own merit(s) without being prejudiced in any manner by the present order.

(Harish Kumar, J)

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