

KATHAIYA- 9/2019 GR- 136/2019

15.02.2019

The bail petition filed by accused Bipin Kumar pressed today. Heard both sides. It has been submitted on behalf of learned council of accused that the petitioner is in custody since 17-01-2019 in this case and the petitioner has not moved for bail earlier before any court in any form. As per written application of informant Subodh Singh, the prosecutuion case in short is that on 16-01-2019 at 7:30 P.M. he closed his shop and went to his home. At about 2:00 A.M. on 17-01-2019 he received information that the unknwon thief are committing theft in his shop. Thereafter informant went to his shop along with others and couhgt hold four persons alongwith Pulsar Motor Cycle and other stolen articles. Who disclosed their name as Kunal Kumar, Chhotelal Kumar Sharma, Bipin Kumar and Deepak Kumar. The informamnt handover the aforesaid four persons with stolen articles to the Police. The Police prepared seizure list and forwarded the accused persons in this case. The defence case on the other hand is that the petitioner is innocent & has committed no offence. It is submitted that the petitioner was returning from Deoria and was going to his house and on the way the Police arrested the petitioners and forwarded in this case showing false recovery of stolen articles. The petitioner Bipin Kumar has got no past Criminal antecedents and has got no concern with the other accused persons and the stolen Motor Cycle.

Learned APP strongly opposed the prayer of bail.

Heard and perused the case record it appears that the case has been registered in U/S- 461, 379, 411, 414/34 IPC and he arrested by police in this case for theft and stolen property has been recovered from the possesion of accused Bipin Kumar, Which is serious in nature. Hence I am not inclined to enlarge the petitioner on bail and bail petition filed by accused Bipin Kumar is hereby **rejected.**

ACJM II (W)