

IN THE COURT OF THE SESSIONS JUDGE, SAHARSA

**S.T. No. 168 of 2019**

**28.09.2019 :** Heard the learned defence counsel Sri Anil Prasad Thakur as well as the learned P. P. for the State on the bail petition dated 27.09.2019 filed on behalf of accused petitioner-namely Prins Kumar who is in jail custody since 30.05.2019 in connection with Saharsa-Sadar P.S. Case No. 487/2019 dated 29.05.2019 lodged U/S 413 & 414 of the Indian Penal Code which is pressed today.

2. Perused the record and case diary .

3. The prosecution case, in brief, is that the informant-Ajit Kumar, officer-in-charge of Saharsa P. S. on getting information reached at the place of occurrence where one person standing with Royal Enfield motorcycle without registration number started fleeing away who was caught along with motorcycle by the arm forces who disclosed his name to be Prince Kumar and also disclosed that the motorcycle was stolen article and he also stated that Subham Kumar (the present petitioner) had a stolen Alto car which has been kept hide in his house. The said motorcycle was seized and on the identification of Prince Kumar Alto car without registration number was recovered from Subham Kumar which was also seized and seizure list prepared and both were arrested on the spot and the case registered.

4. It has been argued on behalf of the accused that he is quite innocent and has committed no offence and has falsely been implicated in this case merely on suspicion by the police. It has further been argued that petitioner has no concern with the alleged offence and he has been made accused on suspicion by the police and the offences levelled against the petitioner are not applicable and petitioner is in custody since 30.05.2019. Therefore he may be admitted to bail.

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**continued**

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5. The learned P.P. for the State has vehemently opposed the prayer for bail and submitted that the stolen car was recovered at the instance of this petitioner-accused and accordingly seizure list was prepared and this fact has been supported by the witnesses during investigation in paragraph nos. 2, 4, 5, 6 & 7 of the case diary. Therefore, petitioner does not deserve bail.

6. Considering the facts and circumstances of the case and the recovery of stolen Alto Car without registration number and the accused-petitioner was arrested on the spot. Therefore, I am not inclined to enlarge the petitioner on bail. Therefore, the prayer of bail is rejected.

Dictated & corrected by me.

I/C, Sessions Judge