

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36897 of 2016

Arising Out of PS.Case No. -21 Year- 2016 Thana -TATARPUR District- BHAGALPUR

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Md. Afzal Anwar Khan Son of Md. Anwar Khan Resident of Village-
Moazzamchak, Police Station- Habibpur, District- Bhagalpur.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Binay Kumar

For the Opposite Party : Mr. Sri Lalan Kumar

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH
ORAL ORDER

2 19-09-2016

Heard learned counsel for the petitioner and learned

Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Tatarpur Police Station Case No. 21 of 2016, disclosing offences under Sections 419, 420 and 414 of the Indian Penal Code.

Hero Honda CD Delux motorcycle, having its registration no. BR51A-0916 is said to be owned by the sister-in-law (Bhabhi) of the petitioner. The vehicle was seized by the police and after the search and it was detected that the registration number of the vehicle was mentioned on the name plate as BR51A-0961 in place of BR51A-0916. Under the suspicion that either the vehicle was stolen one or was planned to

be used for committing a crime, it was seized and the First Information Report came to be registered accordingly.

Learned counsel appearing on behalf of the petitioner has submitted that lodging of the First Information Report is based on the sole allegation that in place of "0916" "0961" was mentioned on the number plate of the motorcycle. It has been submitted that the petitioner has no criminal antecedent and no offence under section 414 of the Indian Penal Code is made out in as much as it is not the case of the prosecution that the motorcycle was stolen one.

Considering the submission as above, this application is allowed.

Let the petitioner, above named, in the event of his arrest or surrender before the Court below within six weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-VII, Bhagalpur, in connection with Tatarpur Police Station Case No. 21 of 2016, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner shall present himself before the police/Court, as the case may be,

as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bond shall be liable to be cancelled.

(Chakradhari Sharan Singh, J.)

Amit/-

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