

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1542 of 2018

Arising Out of PS. Case No.-185 Year-2017 Thana- CHIRAIYA District- East Champaran

1. Mukesh Paswan, Don of Ram Akbal Paswan
2. Osaid Alam @ Doctor, Son of Kurban Miya, Both residents of Village - Shikarganj, P.S. - Shikarganj, District-East Champaran, Motihari.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma
For the Opposite Party/s : Mr. RAJBALLABH SINGH

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 17-01-2018 Heard learned counsels for the petitioners and State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 413 and 414/34 of the IPC.

The prosecution case, as per the written report of Lal Saheb Prasad, Sub-Inspector of Chiraiya Police Station is to the effect that on 26.06.2017, during patrolling, the informant received an information that a stolen motorcycle is being sold near State Bank situated at Dhaka Main road when the informant reached on the spot and noticed three persons talking when out of them, two persons, managed to escape from the scene and one person was apprehended. The apprehended accused disclosed his name as Abdul hai @ Anthoni and also disclosed the name of the two



persons, who managed to escape from the scene as the petitioners, Mukesh Paswan and Osaïd Alam @ Doctor. From the apprehended accused, one stolen motorcycle bearing Registration No. BR5A-6669 was recovered.

It is submitted by learned counsel for the petitioners that the nothing has been recovered from the petitioners. The names of the petitioners sprang up on the statement of apprehended accused. A statement has been made in paragraph no.3 of the petition that the petitioner no.1 is not having any criminal antecedent, however, petitioner no.2 has been made accused in five other cases of similar nature, but he is on bail in that cases.

Since petitioner no.2 is involved in five other cases of similar nature of offence, this Court is not inclined to grant him privilege of anticipatory bail.

Accordingly, the prayer for anticipatory bail of petitioner no.2 is rejected.

Let the learned court below consider the prayer for regular bail of petitioner no.2, if he surrenders within a period of six weeks, without being prejudiced by the order of this Court.

So far as petitioner no.1 is concerned, considering the fact that there is no recovery from the petitioner, his name sprang up on the basis of statement of apprehended accused and the



petitioner no.1 having no criminal antecedent, let the above named petitioner no.1 be released on anticipatory bail in the event of arrest/surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Additioanl Chief Judicial Magistrate, Sikrahana, Dhaka, East Champaran in connection with Chiraiya P.S. Case No. 185 of 2017, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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