

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.69771 of 2018

Arising Out of PS. Case No.-279 Year-2015 Thana- MOTIPUR District- Muzaffarpur

Kushesar Rai, Son of Hari Narayan Ray, Resident of Village-Rasulpur Juneda,
Police Station-Motihpur, Distt.-Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pawan Kumar Singh

For the Opposite Party/s : Mr. Mukesh Kumar Singh

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 04-12-2018 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending arrest in a case registered
for the offence punishable under Section 414 of the Indian Penal
Code.

The prosecution case as per the written report of Amit
Kumar, S.I. of Motipur P.S. is to the effect that, on 06.10.2015 at
06.00 A.M., the informant received a secret information that a
gang of thieves are selling stolen motorcycle whereupon the raid
was laid, on seeing the police force eight persons sitting on four
motorcycles started escaping from the scene. However one
Suman Kumar and Rajan Kumar were apprehended, who
disclosed the name of the petitioner. It is further submitted that
there is no recovery from the petitioner.

It is submitted by learned counsel for the petitioner that



there is no recovery from the petitioner and the name of the petitioner surfaced on the basis of confession of apprehended co-accused persons.

Since the case was registered in 2015 and the impugned order suggest that the petitioner has preferred the anticipatory bail application in the year 2018, i.e. after three years of lodging of the FIR. This court is not inclined to grant anticipatory bail to the petitioner.

Accordingly, the prayer for anticipatory bail of the petitioner is rejected.

However, let the learned Court below consider the prayer for bail of the petitioner, if he surrenders within a period of six weeks, in connection with **Motipur P.S. Case No. 279 of 2015**, pending in the Court of learned **S.D.J.M. (West), Muzaffarpur**, keeping in view the fact that no recovery of stolen motorcycle has been made from the petitioner and the name of the petitioner sprang up on the statement of co-accused.

Accordingly, the present application is disposed off.

(Dinesh Kumar Singh, J)

Deepak/Rahul/-

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