

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12152 of 2019

Arising Out of PS. Case No.-140 Year-2013 Thana- BIBHUTIPUR District- Samastipur

Janardan Thakur, Son of Late Jageshwar Thakur Resident of Village- Siuri,
P.S.- Manjhaul, District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Anis Akhtar, Advocate.

For the Opposite Party/s : Mr. Pradeep Narain Kumar

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 28-02-2019 Heard the learned counsel for the petitioner and
the State.

The petitioner seeks bail in anticipation of his arrest in connection with Bibhutipur P.S. Case No. 140 of 2013 dated 19.06.2013 instituted for the offences under Sections 414 and 468 of the Indian Penal Code.

A self-statement has been recorded by the officer-in-charge of the Bibhutipur Police Station, alleging that a motorcycle was brought for enquiry by one Ram Prakash Thakur who claimed to have purchased it from one Janardan Thakur. Before the documents could be transferred in favour of aforesaid Ram Prakash Thakur, he thought it expedient to have it enquired whether the motorcycle in question which was sold to him was a genuine property or a stolen vehicle.



On enquiry by the officer-in-charge/informant, it was found that the motorcycle was actually registered in the name of one Nityanand Das. The aforesaid registration number, though is of a four wheeler viz. a WaganR car. On the basis of the aforesaid report, it was conclusively inferred by the officer-in-charge of the concerned police station of the vehicle being a stolen one. Since the motorcycle was purchased by aforesaid Ram Prakash Thakur from Janardan Thakur, the petitioner is sought to be prosecuted in this case. From the FIR, it does not appear that Ram Prakash Thakur knew Janardan Thakur or had ever met him. It further appears that a wrong name has been given in order to hide/conceal the identity of the owner who actually had procured the motorcycle. The vendor of the motorcycle viz. Janardan Thakur which is incidentally the name of the petitioner as well is a 25 year old person which appears from the owner/registration book. The petitioner in fact is a 55 years old person working at Itanagar.

The petitioner does not have any criminal antecedents.

For the aforestated facts and taking into account that there could be a possibility of using the name of the petitioner in the entire occurrence, the petitioner is directed to be released on bail, in the event



of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-1st, Rosera, Samastipur in connection with Bibhutipur P.S. Case No. 140 of 2013, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Ashutosh Kumar, J)

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