

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17957 of 2019

Arising Out of PS. Case No.-68 Year-2018 Thana- DIGHALBANK District- Kishanganj

1. MD. KALAM @ KALAM, Son of Late Lal Miya, Resident of Village - Garibasti Tulsia, P.S.- Dighalbank, District- Kishanganj
2. Md. Dilnawaz, Son of Md. Kalam @ Kalam, Resident of Village - Garibasti Tulsia, P.S.- Dighalbank, District- Kishanganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amal Kumar Sinha

For the Opposite Party/s : Ms.Sangeeta Sharma

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

3 19-07-2019 Heard learned Counsel for the petitioners and learned Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Dighalbank Police Station Case No. 68 of 2018, disclosing offences under Section 379/34 of the Indian Penal Code.

The allegation, as per the First Information Report, is that T.V.S. motorcycle of the informant was parked in front of his shop and at about 2 o'clock, in the night, when the informant woke up, he did not find his motorcycle over there and upon alarm, neighbours came and search for the motorcycle was made. However, the same was not found.

Learned Counsel for the petitioners submits that the



petitioners are innocent and their names have surfaced on the basis of the confessional statement of co-accused. He further submits that the criminal case, which has been shown against the petitioners as criminal antecedent, has been lodged one day after the present case and the police has falsely implicated in this case.

Learned Additional Public Prosecutor, referring to paragraph 15 of the case diary, has submitted that the person who was arrested is owner of a garage and has categorically stated in his confessional statement that the petitioners used to bring stolen motorcycle in his garage and the co-accused used to change the engine and parts of the stolen motorcycle.

After having heard learned Counsel for the parties and taking into consideration the fact that the co-accused has vividly given the description of the offence in his confessional statement and further that the petitioners have criminal antecedent of the similar nature, I am not inclined to grant the petitioners privilege of anticipatory bail.

This application is, accordingly, dismissed.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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