

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.22090 of 2019**

Arising Out of PS. Case No.-610 Year-2018 Thana- FATUA District- Patna

Radhey Rai @ Radhe Kumar, Son of Krishna Rai, Resident of Nurudinganj,  
P.S.- Malsalami, Dist.- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

|                          |   |                                                                            |
|--------------------------|---|----------------------------------------------------------------------------|
| For the Petitioner/s     | : | Mr. N.K. Agrawal, Senior Advocate<br>Mr. Prakash Chandra Agrawal, Advocate |
| For the Opposite Party/s | : | Mr. Navin Kumar Pandey, APP                                                |

**CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA**  
**ORAL ORDER**

4      26-07-2019                      This is an application for grant of anticipatory bail in connection with Fatuha P.S. Case No. 610 of 2018, disclosing offences under Section 412 of IPC and Section 25/(1-b)a/26/35 of the Arms Act.

Allegation as per the F.I.R. is that four persons were arrested ridding in a stolen motorcycle and on their confession, three motorcycles were recovered from the house of the petitioner which is said to be stolen motorcycles.

Submission of the learned counsel for the petitioner is that out of three motorcycles, two motorcycles belongs to his family members and about other motorcycles, it has been submitted that there is no signatures of the family members of the petitioner in seizure list only the signatures of the accused.



Heard learned A.P.P. also, who has opposed the prayer for anticipatory bail on the ground that all the three motorcycles have been recovered from the house of the petitioner and seized once petitioner is claiming two motorcycles as of his family members and no papers is produced for third motorcycle, rather he challenge the seizure list on the ground that it does not bear signature of family members of the petitioner, which *prima facie* is not acceptable.

Having heard both sides, in view of the allegation and recovery, I am not inclined to grant privilege of anticipatory bail to the petitioner. He may surrender before the learned court below and make prayer for regular bail, the same shall be considered by the learned court below on its own merit, without being prejudiced by order of this Court.

With the aforesaid, this application is dismissed.

**(Vinod Kumar Sinha, J)**

Sunil Shukla/-

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