

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82915 of 2019**

Arising Out of PS. Case No.-98 Year-2019 Thana- JOKIHAT District- Araria

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GULLU @ MUSTAKIM ALAM S/o- Hayat Resident of Village- Matiyari,
P.S.- Jokihat, District- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Md. Naushad Uzzoha
For the Opposite Party/s : Mr.Binod Kumar

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

2 13-12-2019 This application, for grant of anticipatory bail,

arises out of Jokihat P.S. Case No. 98 of 2019, disclosing

offences under Section 379/34 of the Bihar Prohibition of

Excise Act, 2016.

Prosecution case is that on 13.03.2019 at about 3.
A.M., informant heard some sound, on which, he woke up and
saw three accused persons including petitioner was committing
theft of the motorcycle of the informant. Informant, then, raised
alarm but accused persons succeeded in fleeing away taking his
motorcycle.

Submission of learned counsel for the petitioner is
that he has no criminal antecedent and he is neighbour of the
informant and has falsely been implicated in this case and later
on the informant himself has filed a petition stating that he has



mistakenly taken the name of petitioner .

Learned counsel for the State opposed the prayer for anticipatory bail of the petitioner on the ground that petitioner is name in the F.I.R. and the case is of motorcycle theft.

Having heard both sides, considering the facts and circumstances of the case, I am not inclined to grant the privilege of anticipatory bail to the petitioner rather petitioner should surrender before the court below and make prayer for regular bail and if any such application is filed, the court below will dispose of the same on the merit of the case, if possible on same day, without being prejudiced by this order.

This application is, accordingly, dismissed.

(Vinod Kumar Sinha, J)

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