

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12295 of 2020

Arising Out of PS. Case No.-274 Year-2019 Thana- CHAUTHAM District- Khagaria

MD. AMAJAD @ AMAJAD ALAM Son of Md. Muslim @ Muslim Ali
Resident of Village - Karuamor, P.S.- Chauthan, Dist.- Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner : Mr. Anil Kumar Choudhary, Adv.
For the Opposite Party/s : Ms. Veena Rani Prasad, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 07-09-2020 Heard learned counsel for the petitioner and learned
APP for the State, through video conferencing.

The petitioner has filed the instant application for grant of anticipatory bail apprehending his arrest in connection with Chautham P.S. Case No. 274 of 2019 registered under section 414 of the Indian Penal Code.

As per allegation in the FIR, on seeing the police personnel four accused persons on two motorcycle made an attempt to escape but three of them were caught and on enquiry disclosed the name of the petitioner herein. It is further submitted that on the statement of the accused persons, who were caught, a raid was conducted in the house of the petitioner and a stolen motorcycle was recovered.

It is submitted by learned counsel for the petitioner



that the allegations as made in the FIR are false and concocted. The name of the petitioner transpired in the confessional statement of co-accused made before the police. No recovery as alleged has taken place and the petitioner has been falsely implicated in the case by the police at the instance of his enemy. It is submitted that there is an unexplained delay in lodging of the FIR. From perusal of the seizure list, it would transpire that the same does not contain the date of the concerned S.H.O. below his signature and for the alleged seizure which took place on 12.11.2019, the FIR was registered on 14.11.2019 although the police station was at a distance of only 2 km.

The application for bail is opposed by learned APP for the State.

Having heard learned counsel for the parties and on going through the material which has come in course of investigation, it transpires that raid was conducted on 12.11.2019 as also on 13.11.2019 and the FIR was registered on 13.11.2019. The stolen motorcycle is stated to have been seized from the *Aangan* of the petitioner. The petitioner has one another case pending against him. In the facts and circumstances of the case, the Court is not inclined to enlarge the petitioner on bail. The application for anticipatory bail is rejected.



However, if the petitioner surrenders and prays for bail within eight weeks, the same shall be considered by the learned Court below without being prejudiced by this order of rejection.

(Partha Sarthy, J)

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