

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28802 of 2020**

Arising Out of PS. Case No.-91 Year-2019 Thana- RAUTARA District- Katihar

MD. MUZAMMIL S/o Mesar Ali Resident of Village- Maheshwa Raibanna,
P.S.- Rautara, District- Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Praveen Kumar
For the Opposite Party/s : Mr.Rabindra Kumar

**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER**

2 02-12-2020

The present petition has been taken up for consideration through the mode of Video Conferencing in view of the prevailing situation on account of COVID-19 Pandemic.

Heard the learned counsel for the petitioner and Sri Rabindra Kumar, the learned A.P.P. for the State.

This is an application for grant of anticipatory bail in connection with Rautara PS case no. 91 of 2019 registered for the offences punishable under Section 414 of Indian Penal Code.

The allegation is regarding the informant along with the police force having received secret information that a stolen motorcycle is in the possession of one Md. Subhan @ Bablu, whereafter the police force had conducted a raid at the alleged place of occurrence, whereupon the said Md. Subhan



was apprehended and from his house, a stolen motorcycle was recovered. It is further alleged that upon interrogation, the said apprehended Md. Subhan disclosed that he had purchased the said motorcycle from the petitioner herein.

The learned counsel for the petitioner has submitted that the petitioner is innocent, has been falsely implicated in the present case and is having a clean antecedent. The learned counsel for the petitioner has submitted that the said apprehended accused person namely Md. Subhan has not shown any proof to the effect that the motorcycle in question was purchased from the petitioner herein, hence the complicity of the petitioner is not established in the alleged crime.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the fact that the petitioner is having a clean antecedent and moreover, there is no proof to show that the motorcycle in question was sold by the petitioner herein, I deem it fit and appropriate to admit the petitioner to the privilege of anticipatory bail. Accordingly, the abovenamed petitioner, in the event of his arrest or surrender before the court below within a period of six weeks from the date of receipt/ production of a copy of this order, is directed to



be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned J.M. 1st class, Katihar in connection with Rautara PS case no. 91 of 2019 subject to the conditions as laid down under Section 438(2) of Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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