

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79682 of 2019

Arising Out of PS. Case No.-328 Year-2019 Thana- ARA NAWADA District- Bhojpur

AMIT KUMAR OJHA @ AMIT OJHA Son of Sri Suresh Kumar Ojha @
Suresh Ojha Resident of village-Dhauri Bhimpatti, P.S-Behea (Bihia),
District-Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manish Kumar No 13

For the Opposite Party/s : Mr.Manoj Kumar

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 17-01-2020 Heard the learned counsel for the petitioner and the
learned APP for the State.

This is an application for grant of anticipatory bail in
connection with Ara Nawada P.S. Case No. 328 of 2019
(G.R.No. 1986 of 2019), registered for the offence punishable
under Section 414 of the Indian Penal Code.

The allegation is regarding the accused persons trying to
sell stolen motorcycle and at that moment of time, the police
had arrived and caught the accused persons including the
petitioner herein and upon the police having asked to produce
the registration papers of the said motorcycle, they failed to do
so.

The learned counsel for the petitioner has submitted that



initially, co-accused persons, namely, Aayush Kumar @ Sikku and Himanshu Kumar were caught hold of by the police whereupon the said co-accused person, namely, Aayush Kumar told that the documents of the bike was with the petitioner and in this manner, the petitioner has been falsely implicated in the present case. It is further submitted that the petitioner is innocent and he has been falsely implicated in the present case as also he is having a clean antecedent. Lastly, it is submitted that neither the petitioner has been caught from the spot nor the stolen motorcycle has been recovered from the petitioner so as to implicate him in the alleged crime.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner, coupled with the fact that the stolen motorcycle has not been recovered from the possession of the petitioner, I deem it fit and proper to grant anticipatory bail to the petitioner.

Accordingly, the petitioner is directed to be enlarged on anticipatory bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of



the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhojpur, Ara in connection with Ara Nawada P.S. Case No. 328 of 2019 (G.R. No. 1986 of 2019), subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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