

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3947 of 2022

Arising Out of PS. Case No.-883 Year-2021 Thana- KANKARBAG District- Patna

SITARAM Son of Deepa Chaudhary Resident of Village - Maner Tata Colony (Madhopur), P.S.- Maner, District - Patna. At Present R/o- R.M.S. Colony, New By-Pass, Jaganpura, P.S. - Kankarbagh, Dist. - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Chaudhary, Advocate

For the Opposite Party/s : Mr. Ramchandra Sahni, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 16-08-2022 Heard learned counsel for the petitioner and learned A.P.P. for the State.

Let the defect(s), if any, be removed within a period of four weeks.

The petitioner apprehends his arrest in a case registered for the offence punishable under Section 379 of the Indian Penal Code.

Learned counsel for the petitioner submits that petitioner is a person with clean antecedent.

The informant alleges that he had given his auto to the petitioner for driving the same on rent. On 01.09.2021, the petitioner informed the informant on phone that the auto was stolen in the night of 31.08.2021. After receiving the said information, the elder brother of the informant along with the



petitioner went in search of the auto but could not be located, accordingly, the present FIR came to be instituted by the informant suspecting that the petitioner is involved in the occurrence.

Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in the present case and the FIR has been instituted nine days after the occurrence. It is further submitted that the FIR itself records that there was a monetary dispute between the petitioner and the informant on account of which the informant took the same as an opportunity to falsely implicate the petitioner in the present case.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner and submits that no doubt there is a delay in instituting the FIR but there appears to be a reason for the same. It is submitted that informant perhaps was not sure and sanguine that the petitioner had any role in the occurrence but when the informant became sanguine that it was the petitioner only, who had committed the occurrence, the present FIR came to be instituted. Learned A.P.P. then draws the attention of the Court to the impugned order to submit that even the sons of the petitioner have disclosed before the police that



their father had sold the vehicle. Learned A.P.P., thus, submits that sons would not lie against their father.

Considering the submission made by the learned A.P.P., the Court is not inclined to extend the privilege of anticipatory bail to the petitioner in connection with Kankarbagh P.S. Case No. 883 of 2021 pending in the Court of learned Judicial Magistrate, 1st Class, Patna/successor Court.

However, in the event, if the petitioner surrenders in the learned Trial Court on or before 24.08.2022, the learned Trial Court shall dispose of the case on the same day, keeping in mind the fact that petitioner is a person with clean antecedent.

(Satyavrat Verma, J)

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