

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17714 of 2022

Arising Out of PS. Case No.-286 Year-2020 Thana- MANIHARI District- Katihar

RAKESH KUMAR JHA @ SANTU JHA, Son of Rajendra Nath Jha, R/O-
Nawabganj, Ward No.- 12, P.S.- Manihari, Dist.- Katihar

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Sanjeev Kumar Singh, Advocate

For the Opposite Party : Mr. Damodar Prasad Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 08-04-2022

Heard learned counsel for the parties.

Learned counsel for the petitioner is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

This application for anticipatory bail arises out of Manihari P.S. Case No. 286 of 2020 for the offence punishable under Section 30(a) of the Bihar Prohibition & Excise Act, 2016.

It is being submitted by learned counsel for the petitioner that the petitioner had already sold the motorcycle, in question, to one Niraj Kumar and in support of the same the petitioner has annexed the sale paper of the motorcycle at Annexure-2 to this bail application.

Considering the aforesaid fact, let the petitioner the petitioner, above named, in the event of his arrest/surrender



within four weeks from today in the Court below, ***be released on bail till submission of charge-sheet*** on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.D.J.-IV-cum-Special Excise Court No.2, Katihar, in connection with Manihari P.S. Case No. 124 of 2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner shall join the investigation by approaching the Investigating Officer and produce the relevant documents about transfer of the vehicle, in question, to Niraj Kumar. If during the investigation it comes that it is Niraj Kumar, who was the owner of the motorcycle at the time of occurrence then the anticipatory bail granted to the petitioner shall be confirmed by the Court below after submission of the chargesheet. If during the investigation, it comes that it is the petitioner, who was the owner of the motorcycle at the time of occurrence and he has produced false and fake paper for obtaining the bail, then the petitioner shall be dealt with in accordance with law.

(Sandeep Kumar, J)

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