

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66434 of 2021**

Arising Out of PS. Case No.-158 Year-2017 Thana- DARBHANGA SADAR District-
Darbhanga

MD. MOQEEM S/o Md. Sobrati Reyeen, R/o village- Rajopatti, P.S.-
Mehasaul O.P., District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Virendra Kumar
For the Opposite Party/s : Mr.Anuj Kumar Shrivastava

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

2 25-07-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the office within one

month.

Heard the learned counsel for the petitioner as well as
the learned Additional Public Prosecutor for the State

The petitioner apprehends his arrest in connection
with Darbhanga Sadar (Mabbi O.P.) P.S. Case No. 158 of 2017
registered for offence punishable under sections 323, 324, 325,
353, 307, 401, 413, 414, 467, 468, 471, 420 and 120B of the
Indian Penal Code.

As per allegation, during the course of patrolling, the
police party attempted to stop one motor cycle. Two persons,
who were riding by that motor cycle, attempted to flee away



after leaving the motor cycle and a gas cylinder. They were apprehended after a little chase and they disclosed their names as Mukesh Kumar Mahto and Sunil Kumar Choudhary. They could not produce any paper in respect of that motor cycle. They apprised the police party that they along with co-accused Amresh Kumar Ram and Chandan Kumar used to commit theft of motor cycles and through one Rahul Kumar those stolen motor cycles were passed to the petitioner and he used to sell those motor cycles in Nepal and after sale, he used to provide Rs.8,000 to Rs. 10,000/- to these miscreants.

The learned counsel for the petitioner has submitted that the petitioner has not been arrested at the spot and his name has figured only in confessional statement of co-accused persons. He has also submitted that co-accused Rahul Kumar had given that motor cycle to the petitioner and it was recovered from his possession. The learned counsel for the petitioner has submitted further that co-accused Rahul Kumar has been granted regular bail.

The name of the petitioner has figured in confessional statement of co-accused persons and on the disclosure of co-accused persons, the stolen motor cycle was recovered from the house of the petitioner. It appears that the petitioner is a



member of an organized gang indulged in committing theft of motor cycle and disposing of it in neighbour country Nepal.

Considering the above-mentioned facts and circumstances, the petitioner does not deserve the privileges for anticipatory bail and accordingly his prayer for anticipatory bail is rejected.

If the petitioner surrenders before the court below and makes a prayer for regular bail, the learned court below may take notice of the fact that the co-accused Rahul Kumar has been granted regular bail.

Office shall ensure that all defects are removed by the petitioner within the stipulated time mentioned hereinabove, failing which, the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

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