

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20985 of 2023

Arising Out of PS. Case No.-531 Year-2022 Thana- MAJHAULIA District- West Champaran

GULJAR ALAM @ GULJAR DEWAN son of Rojdin Dewan @ Rajodin
Dewan R/O VILLAGE -LAL SARAIYA P.S.-MAJHAULIA DISTT. - WEST
CHAMPARAN

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Akhileshwar Kumar Shrivastva, Advocate

Mr.Amrit Kirti, Advocate

For the Opposite Party/s : Mr.Md. Mushtaque Alam, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 24-06-2023 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner in the present case is seeking pre-arrest bail in connection with Majhauria P.S. Case No.- 531 of 2022 registered for the offences punishable under Section 379 of the Indian Penal Code. He has got no criminal antecedent.

Learned counsel for the petitioner submits that the informant submitted a written report to the S.H.O., Majhauria Police Station on 20.07.2022 alleging that on 10.07.2022 at about 07:30 PM he parked his motorcycle bearing no. BR-22AH5736 near a temple and went to sleep after attending the feast. In the morning, he found his motorcycle missing. On search he came to know that FIR named accused persons including the petitioner have stolen his motorcycle and sold the same.

Learned counsel for the petitioner submits that the



petitioner is innocent and has been falsely implicated in this case. It is submitted that for the occurrence of 10.07.2022 the informant reported the matter to the police on 20.07.2022. The name of the petitioner has been dragged in this case due to village politics. No incriminating article has been recovered from conscious possession of the petitioner.

Learned APP for the State has opposed the prayer for anticipatory bail of the petitioner.

Having regard to the facts and circumstances of the case, wherein it appears that the F.I.R. itself has been lodged ten days after the alleged occurrence, there is no recovery from the possession of the petitioner and he has got no criminal antecedent, this Court directs that in case of his arrest or surrender within a period of four weeks from today, the petitioner above named shall be enlarged on bail in connection with Majhaulia P.S. Case No.- 531 of 2022 on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate at Bettiah, West Champaran, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the



petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

This application stands allowed.

(Rajeev Ranjan Prasad, J)

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