

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25486 of 2023

Arising Out of PS. Case No.-237 Year-2022 Thana- DEWARIA District- Muzaffarpur

MD. ERFAN @ MD. IRFAN SON OF MD. SAGRUDDIN @ MD.
SATRUDDIN MIYA Resident of village - Deoriya, Mugia Chowk, Near
Masjid, Chainpur, Chandpura, P.S - Deoriya, Distt. - Muzaffarpur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Yugal Kishore, Adv.

For the Opposite Party/s : Mr. Sanjay Kumar Singh, Adv.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 07-07-2023 Heard Mr. Yugal Kishore, learned counsel appearing
on behalf of the petitioner and Mr. Sanjay Kumar Singh, learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in connection
with Deoriya P.S. Case No. 237 of 2022, dated 20.12.2022, G.R.
No. 4025 of 2022, registered under Sections 420, 406, 379, 467,
468, 471/34 of the Indian Penal Code.

3. The prosecution case, in brief, is that the informant
namely Prabhu Rai has alleged that petitioner and other co-
accused had stolen Balero vehicle bearing Registration No.-
BR07PB-0554, Chesis No. MA1XB2GHD6C3343 and Engine
No. GHD5C57816.

4. Learned counsel appearing on behalf of the



petitioner submits that the petitioner is innocent, rather he has been cheated by one co-accused namely Vinod Kumar Singh @ Vinod Rai @ Vinod Kumar. The petitioner was not involved in the theft of vehicle. The petitioner is innocent and has clean antecedent. The F.I.R. which relates to theft of vehicle of the informant bearing Registration No. BR02U-5028. Petitioner purchased vehicle bearing Registration No.- BR07PB-0554, Chesis No. MA1XB2GHD6C3343 and Engine No. GHD5C57816, while the petitioner has stated that he has purchased vehicle no. BR-02U-5028, Chassis No. MA1XA2GHKDSC57016 and Engine No.- G11D4B70669. It has been submitted by the petitioner that the vehicle has been recovered from one co-accused namely Vinod Kumar Singh @ Vinod Rai @ Vinod Kumar. The petitioner claims that original owner of the vehicle is Vinod Kumar Singh @ Vinod Rai @ Vinod Kumar, which he has purchased. The petitioner has no concern with the stolen vehicle bearing Registration No.- BR-02U-5028.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of pre-arrest bail to the petitioner.

7. Considering the aforesaid facts, the learned Court Below is directed to obtain a report from the District Transport



Officer, Muzaffarpur to verify the ownership of the vehicle. On verification of the report and the material which has been collected in course of investigation, if it is found that the petitioner is nowhere related with alleged crime or with any of the co-accused involved in stealing the vehicle, the above named petitioner may be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Ms. Rupa Raj, J.M., Ist Class, Muzaffarpur (West) in connection with Deoriya P.S. Case No. 237 of 2022, G.R. No. 4025 of 2022, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

8. Accordingly, the anticipatory bail application is disposed of.

(Purnendu Singh, J)

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