

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34127 of 2023

Arising Out of PS. Case No.-286 Year-2019 Thana- MADHAURAH District- Saran

Mukesh Kumar Singh Son Of Shankar Prasad Singh Resident Of Village-
Hathisar, Ps- Marhaurah (GAURA Op), Distt- Saran At Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jeetendra Narayan, Advocate

For the Opposite Party/s : Mr.Anil Kumar Singh No. 1, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 21-07-2023 1. Heard learned counsel for the petitioner and the
learned APP for the State.

2. The petitioner is apprehending his arrest in
connection with Marhaurah (Gaura O.P.) P.S. Case No.286 of
2019 registered for the offence punishable under Sections 414
and 34 of the Indian Penal Code.

3. The learned counsel for the petitioner submits that
in the course of investigation, the alleged stolen motorcycle was
found to be not stolen. The owner of the said vehicle and his
mother have specifically stated before the police that the
motorcycle was never stolen. It is a case of false implication.

4. The brief background is that for the alleged
offences of moving on a stolen motorcycle, the FIR was lodged
against the petitioner, while he was arrested at the spot. He was



granted provisional bail on 23-05-2019, which he submits was till issuance of charge sheet. It is submission of the petitioner's counsel that due to communication gap, he could not know about charge sheet having been submitted on 30-09-2020. It is only when he came to know that charge sheet has been submitted then he moved the court for grant of anticipatory bail on 15-03-2023, which has been rejected by the court having regard to the conduct of the petitioner of not surrendering at the time of submission of charge sheet or in close proximity to such date.

5. The nature of allegations and material emerging in the course of investigation are worth consideration. If the petitioner surrenders before the court below within four weeks, the court below would be required to consider the said material and also the fact that earlier he was allowed provisional bail.

6. Application is disposed of.

(Madhuresh Prasad, J)

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