

**TheIN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39977 of 2023**

Arising Out of PS. Case No.-365 Year-2022 Thana- BAHERI District- Darbhanga

GAUTAM CHAURASIYA @ GAUTAM KUMAR CHAURASIYA SON OF
MADAN CHAURASIYA RESIDENT OF VILLAGE AKAHA PS
BHAGWANPUR DIST BEGUSARAI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prabhakar Thakur, Adv.

For the Opposite Party/s : Mr.Ashok Kumar Singh, APP.

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

2 08-08-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 413, 414, 379, 467, 468, 471 and 34 of the Indian Penal Code.

3. The prosecution case, in brief, is that on 09.11.2022 at 10.00 AM, when the informant along with other police personnel was in duty, he observed a Bolero vehicle coming in his direction and stopped it. On search, the documents of registration of said vehicle could not be found. Upon inquiry, the driver stated his name Saurav Kumar and disclosed the name of petitioner as the owner of the alleged vehicle. The further prosecution case is that the driver was instructed to produce the



documents of vehicle on whatsapp, but subsequently he informed that the owner has put his mobile switched off.

4. It is further alleged that on verification of the antecedent of said vehicle with D.T.O., it was transpired that the name of the owner of said vehicle is Raja Babu. Upon verification, it came to light that the said vehicle was sold by registered owner to one Sumanji Jha but the said vehicle was stolen from the possession of said Sumanji Jha.

5. It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has committed no offence. No such occurrence as alleged ever took place. He has been falsely implicated in this case due to ulterior motive. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. Nothing has been recovered from the conscious possession of the petitioner. It is further submitted that petitioner has been implicated in the instant case on mere confessional statement of the co-accused. There is nothing on record indicating the involvement of the petitioner in the present case. Petitioner has no criminal antecedent as mentioned in para-3 of this application.

6. Per contra, learned APP for the State vehemently opposing the bail petition submitted that the petitioner is



habitual of committing theft of vehicles, hence he does not deserve anticipatory bail.

7. Considering the facts and circumstances of case as well as the nature of offence, I am not inclined to enlarge the petitioner on bail. The prayer for bail of the petitioner is hereby rejected.

8. However, if petitioner surrenders before the learned Court below within six weeks from today and seeks regular bail, the learned Court below shall pass order on the same day in accordance with law without being prejudiced by this order.

(Anjani Kumar Sharan, J)

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