

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46018 of 2022

Arising Out of PS. Case No.-222 Year-2022 Thana- NATHNAGAR District- Bhagalpur

MADAN GOPAL S/o Photela Sahu Resident of Village- Mirjanhat,
Warshaliganj Road, Manikpur, P.S.- Mojahidpur, District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 46313 of 2022

Arising Out of PS. Case No.-222 Year-2022 Thana- NATHNAGAR District- Bhagalpur

KANHAIYA LAL Son of Madhukar Prasad Resident of Village - Mirjanhat,
P.s.- Mojahidpur, Distt.- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 46018 of 2022)

For the Petitioner/s : Mr.Krishna Chandra,Advocate

For the Opposite Party/s : Mr.Prem Kumar Jha,APP

(In CRIMINAL MISCELLANEOUS No. 46313 of 2022)

For the Petitioner/s : Mr.Krishna Chandra,Advocate

For the Opposite Party/s : Mr.Raj Ballabh Singh,APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 02-01-2023 Heard learned counsel for the petitioners and learned
counsel for the State.

The petitioners apprehend their arrest in connection
with Nathnagar (Madhusudanpur) P.S. Case No. 222 of 2022 for
the offence registered under Sections 420, 469, 467 and 34 of
the Indian Penal Code.



As per the prosecution story, the police upon confidential information raided one '*Raju Kabadi Shop*' and seized some pieces of engine of different motorcycles and accordingly seizure list was prepared. Upon enquiry, the owner of '*Raju Kabadi Shop*', Md. Raju disclosed that he used to purchase the said engine and chasis of old motorcycle through Mihir Hero Agency and its employees at the rate of Rs. 5500/- and after removing the number, the same were handed over on blank paper. Accordingly, the two petitioners Madan Gopal, who is the owner and Mr. Kanhaiya Lal, who is the Manager have been implicated.

Mr. Ansul, learned counsel for the petitioners submit that it is surprising that the police raided the '*Raju Kabadi Shop*' and seized number of engines but he has been made a witness to the case and not in the category of accused and considering his statement to the said act, the owner who is a prestigious person in the society has been implicated in the case despite the fact that he gave number of applications to the different police authorities to inspect his showroom and check whether the engines seized were ever part of his show room. It is his further submission that as his showroom has already received compensation for the BS 4 engines, there was no question of



getting it sold to '*Raju Kabari Shop*'.

Learned APP for the State on the other hand submits that there is allegation against them that they used to provide the engines to the '*Raju Kabari Shop*' who in turn after removing the chasis numbers used to see it.

Considering the aforesaid submission put forward by the learned counsel for the petitioners, this Court is of the firm opinion that once Md. Raju disclosed that all the seized articles belonged to Mihir Honda Agency, the natural recourse would have been to visit/raid the said showroom and get the seized articles checked with the documents of the showroom. Having failed to do so, the petitioners have definitely made out a case for getting the relief.

Let the petitioners, namely, Madan Gopal & Kanhaiya Lal of Cr. Misc. No. 46018 of 2022 & Cr. Misc No. 46313 of 2022, in the event of their arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 100000/- (One Lakh) & 50,000/- (Fifty thousand) respectively with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bhagalpur in connection with Nathnagar (Madhusudanpur) P.S. Case No. 222 of 2022, subject



to condition as laid down under Section 438(2) of the Cr.P.C.

Nothing recorded in this order be taken up for consideration at the time of trial as the same has been observed only for the purpose of grant of anticipatory bail.

(Rajiv Roy, J)

Jagdish/Neha/-

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