

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53551 of 2023

Arising Out of PS. Case No.-37 Year-2021 Thana- BAHADURGANJ District- Kishanganj

Anwar Ali @ Md Anwar S/o Sohrab Ali @ Sorabali R/o Village- Balubari
Ward No. 10, P.S. Dighalbank Dist. Kishanganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ram Prawesh Kumar, Advocate

For the Opposite Party/s : Mr.Pranav Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 19-08-2023 Heard learned counsel for the petitioner and learned
counsel for the State.

2. In the present case, the petitioner is apprehending his arrest in connection with Bahadurganj P.S. Case No. 37 of 2021, registered on 09.02.2021 for the offences under Sections 419, 420, 467, 468, 413, 414 of the Indian Penal Code.

3. As per prosecution case, police received secret information about trade of stolen motorcycle at certain identified place. Police surrounded that place and three persons on three motorcycles were found on the spot and two of them were apprehended with their motorcycles while 3rd fled away from the spot leaving his mobile phone. The apprehended co-accused persons disclosed the name of the petitioner and other co-accused persons, who were also involved in dealing with stolen motorcycles. Thereafter, further raids were conducted and number



of motorcycles were recovered, one such motorcycle was also recovered from the house of the petitioner.

4. Learned counsel for the petitioners submits that the petitioner is innocent and has falsely been implicated in this case. The name of the petitioner surfaced in this case on the basis of confessional statement of co-accused persons and there is no material to connect the petitioner with the offence as alleged. Till date the police has failed to ascertain that recovered motorcycle was a stolen property. Co-accused Babul @ Md. Babul and Sarfaraz @ Laddan have been granted anticipatory bail by different Co-ordinate Benches vide order dated 15.12.2021 and 05.04.2023 passed in Cr. Misc. Nos. 41935 of 2021 and 75160 of 2022, respectively. The petitioner has got no criminal antecedent.

5. Learned APP opposes the submission made on behalf of the petitioner. Learned APP submits that the stolen motorcycle has been recovered from the house of the petitioner.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that recovery of stolen motorcycle has been shown from the house of the petitioner and case of the petitioner is not similar to that of the case of co-accused persons, who have been granted anticipatory bail since no recovery has been shown from them, I do not think it



is a fit case for grant of anticipatory bail and accordingly, the prayer for anticipatory bail of the petitioner is rejected.

(Arun Kumar Jha, J)

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