

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75075 of 2022

Arising Out of PS. Case No.-557 Year-2019 Thana- KISHANGANJ District- Kishanganj

MAJERUL HAQUE @ MAJHRUL HAQUE S/O Yasin Ali R/O Village-
Kachnabari, P.O- Bathol Hat, P.S- Raiganj, District- Uttar Dinajpur (West
Bengal)

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Radha Mohan Singh, Advocate
For the Opposite Party/s : Mr.Nityanand, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 29-04-2023 Heard the learned counsel for the
petitioner and the learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with Kishanganj P.S. Case No. 557 of 2019 (G.R. No.1919 of 2019), for the offence registered under Section 379 of the Indian Penal Code.

The allegation is regarding motorcycle of the informant having been stolen, while the same was standing in front of his house on 20.11.2019 at about 07:15 p.m.

The learned counsel for the petitioner has submitted that the petitioner is innocent and he



has been falsely implicated in the present case. The learned counsel for the petitioner has further submitted that though the petitioner is accused in one another case, which also pertains to the same incident, but he has been granted bail in the said case. The learned counsel for the petitioner has also submitted that the said motorcycle, which is stated to have been stolen, was recovered from the petitioner and pertaining to the same, one case was lodged in West Bengal bearing Raiganj P.S. Case No.836 of 2019, however, the petitioner has been granted bail in the said case, hence, it is submitted that for the same occurrence, the petitioner cannot be punished twice.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for anticipatory bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner as also taking into the materials available on record, I deem it fit and proper to



admit the petitioner herein to the privilege of anticipatory bail.

Accordingly, the petitioner, above named, is directed to be released on anticipatory bail in the event of his arrest/surrender before the 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 Chief Judicial Magistrate, Kishanganj in connection with Kishanganj P.S. Case No. 557 of 2019 (G.R. No.1919 of 2019), subject to the conditions as stipulated under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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