

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74272 of 2023

Arising Out of PS. Case No.-410 Year-2020 Thana- ARARIA District- Araria

LALAN KUMAR JHA @ LALAN TIWARI Son of Dilip Upadhyay @ Dilip
Tiware R/o vill - New Law College, ward no. 10, P.S. and Distt - Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shahid Aqubal

For the Opposite Party/s : Mr.Dilip Kumar No. 1

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 29-11-2023 1. Heard learned Counsel for the petitioner and learned Additional Public Prosecutor for the State.
2. This application, for grant of anticipatory bail, arises out of Araria Police Station Case No. 410 of 2020, dated 31.05.2020, disclosing offences punishable under Sections 379/411 of the Indian Penal Code.
3. The prosecution case, as per the First Information Report, is that the informant submitted his written report to the Station House Officer, Araria Police Station, alleging that he purchased a Pulsar motorcycle, bearing registration no. BR 38N/8542 two years ago from one Abdul Waris. On 29.05.2020, he parked his motorcycle at this house and after meal, went to sleep. When he woke up in the morning, he found his motorcycle missing and on search,



he came to know that his motorcycle was stolen by one Sonu Kumar, with the help of his friends. Then, the informant contacted Sonu Kumar on his mobile, then he told that one motorcycle is for sale for Rs. 20,000/- and when the informant agreed to purchase the said motorcycle, Sonu Kumar came with the motorcycle, who was apprehended with the help of the villagers and it was found that the motorcycle, in question, was stolen motorcycle of the informant itself. Sonu Kumar disclosed that the motorcycle was stolen by him, along with his friends, namely, Vishal Kumar and Lalan Kumar Jha (petitioner). Thereafter, the stolen motorcycle was handed over to the police by the informant and others.

4. Learned Counsel for the petitioner submits that the petitioner has falsely been implicated in this case due to village politics and he is having no criminal antecedent. He further submits that the co-accused Vishal Kumar has been granted anticipatory bail by the learned Sessions Judge in A.B.P. No. 94 of 2022. The motorcycle, in question, was not recovered by the police from the possession of the petitioner and/or other co-accused persons and on the contrary, it was recovered by the



informant and villagers from co-accused Sonu Kumar.

5. Regards being had to the submissions advanced on behalf of the parties and taking into consideration the fact that co-accused Vishal Kumar has been granted anticipatory bail by the learned Sessions Judge itself, and the stolen motorcycle was not recovered from the possession of the petitioner, I am inclined to grant the petitioner privilege of anticipatory bail.
6. This application is, accordingly, allowed.
7. Let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of four weeks from today, be released on bail 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, Araria, in connection with Araria Police Station Case No. 410 of 2020, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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