

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.251 of 2023

Arising Out of PS. Case No.-98 Year-2022 Thana- JAMALPUR District- Munger

RAHUL KUMAR S/O Jitan Tanti R/O Village- Sitarampur, P.S- Suryagarha,
District- Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar Pandey

For the Opposite Party/s : Mr. Choubey Jawahar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

2 17-05-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application for grant of anticipatory bail arises
out of Jamalpur Police Station Case No. 98 of 2022 dated
08.06.2022, disclosing offence under Sections
379/411/413/414/34 of the Indian Penal Code.

The allegation against the petitioner, as per the First
Information Report, is that one Sumit Kumar Thakur informed
the police that his Hero Honda Glamour bike was stolen by
some miscreants. As informant and his associates reached near
Avantika More, he found that one man was coming and after
seeing the police party, the man turned the bike and tried to flee



away, but was apprehended by the police. He disclosed his name as Sonu Kumar and his other associates including the name of the petitioner and a stolen bike has been recovered from the house of the petitioner.

Learned Counsel for the petitioner submits that the petitioner has not committed any offence in the manner alleged and he has falsely been implicated in this case by the police. He further submits that the bike in question was not recovered from the house of the petitioner, but was kept outside of his house and the petitioner has no concern with the said motorcycle. He also submits that seizure list was not prepared in terms of the Section 100 of Criminal Procedure Code and the petitioner has got no criminal antecedents.

Regarding being had to the submissions made on behalf of the parties and taking into consideration the fact that the on the disclosure of the co-accused, the house of the petitioner has been raided and stolen motorcycle has been recovered from his house, as would be evident from the order of the learned Sessions Judge, accordingly, I am not inclined to exercise my discretion for grant of anticipatory bail.

However, if the petitioner surrenders before the concerned Court and seeks regular bail, the same may be



considered by the concerned Court on its own merit without being prejudiced that anticipatory bail of the petitioner has been rejected by this Court.

This application is, accordingly, dismissed.

(Anil Kumar Sinha, J)

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