

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4803 of 2023

Arising Out of PS. Case No.-239 Year-2020 Thana- KORHA District- Katihar

MD. SHAHNAJ ALAM @ MD. SHAHJAHAN ALAM @ SHAHBAZ @
MD. SAHBAZ SON OF MAHAMMAD MANJUR R/O VILL.- BISARIA,
P.S.- KORHA, DISTT.- KATIHAR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Musowir

For the Opposite Party/s : Mr.Braj Kishore Pd.(App)

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

2 16-05-2023 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail,
arises out of Korha Police Station Case No. 239 of 2020, dated
22.05.2020, disclosing offences under Sections 379/411/413/
414/420 of the Indian Penal Code.

The prosecution case, as per the First Information
Report, is that the motorcycle of the informant was stolen from
his shop and during the course of search, in the evening, the
informant saw four miscreants going on three motorcycles, out
of which he identified two miscreants, namely, Karan Kumar
and Nikesh Kumar, and upon chase, the accused persons fled



away leaving behind all the three motorcycles. Out of the said three motorcycles, one was of the informant. It has further been alleged that one Pawan Kumar Singh told the police that co-accused Nikesh Kumar had sold him a motorcycle with an assurance to provide him the ownership papers within ten days, but co-accused Nikesh Kumar did not gave him the papers. The said motorcycle was also handed over to the police.

Learned Counsel for the petitioner submits that the petitioner has been implicated in this case on the basis of the confessional statement of co-accused Karan Kumar and no incriminating material and/or stolen motorcycle has been recovered from the possession of the petitioner. He further submits that the petitioner has got no criminal antecedent and except the confessional statement, there is no other material against the petitioner.

Regards being had to the submissions made on behalf of the parties and taking into consideration the fact that the petitioner is not named in the First Information Report, his name has transpired on the basis of the confessional statement of co-accused, no incriminating material has been recovered from the possession of the petitioner and the petitioner has got no criminal antecedent, I am inclined to grant the petitioner



privilege of anticipatory bail.

This application is, accordingly, allowed.

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, Katihar, in connection with Korha Police Station Case No. 239 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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