

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9072 of 2024

Arising Out of PS. Case No.-41 Year-2017 Thana- TERHAGACHH District- Kishanganj

1. JAHANGIR KHAN S/O CHAMRUDDIN KHAN VILLAGE- PARARIA, KHAN TOLA, WARD NO. 12, PS.- SIKTI, DIST. ARARIA.
2. NURULA @ NURUA @ NUR KHAN S/O RAFIQUE KHAN VILLAGE- PARARIA, KHAN TOLA, WARD NO. 12, PS.- SIKTI, DIST. ARARIA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gopal Kumar Jha, Adv.
Mr.Kanhiya Kishor, APP : For the Opposite Party/s

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 12-07-2024 1. Heard the learned counsel for the petitioners and the learned APP for the State.

2. At the outset, the learned counsel for the petitioners seeks not to press the present petition qua the petitioner no.2, however seeks liberty on behalf of him to surrender before the learned Court of S.D.J.M., Kishanganj, within a period of four weeks from today and apply for grant of regular bail. Liberty so sought is granted. Accordingly, the present petition qua the petitioner no.2 stands dismissed as not pressed.

3. As far as the petitioner no.1 is concerned, this petition has been filed for grant of anticipatory bail in connection with Terhagachh P.S. Case No.41 of 2017, registered



for offences punishable under Sections 379 of the I.P.C.

4. The case of the prosecution in brief is that the informant along with his wife had gone to his father-in-law's house by his motorcycle and after supper at night they had gone to sleep and when they woke up, they found that the motorcycle had been stolen. Subsequently, while one co-accused person, namely, Md. Zahid was apprehended and upon his confession, three other accused persons were apprehended and it transpired that they were dealing in the business of sale and purchase of stolen motorcycle.

5. The learned counsel for the petitioner no.1 has submitted that the petitioner no.1 is innocent and he has been falsely implicated in the present case. It is also submitted that the petitioner no.1 is an accused in one another case but he is on bail in the said case. It is further submitted that as far as the petitioner no.2 is concerned, process has been issued under Section 82/83 of the Code of Criminal Procedure, however no such processes has been issued qua the petitioner no.1. It is next contended that no recovery of stolen motorcycle has been made from the petitioner no.1 and moreover, he has not been named in the F.I.R.

6. Per contra, the learned A.P.P. for the State has



vehemently opposed the prayer of the petitioner no.1 for grant of anticipatory bail.

7. Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioners and taking into account the materials available on record, this Court finds that there is minuscule evidence in the case diary, so as to connect the petitioner no.1 with the alleged occurrence, apart from the fact that no recovery of the stolen motorcycle has been made from the petitioner no.1, hence I deem it fit and proper to admit the petitioner no.1 to the privilege of anticipatory bail, however, subject to the condition that he shall mark his attendance before the S.H.O. of the concerned Police Station at 10 a.m. on every Monday of the week and in case of two consecutive defaults, the present privilege of anticipatory bail being extended to him shall stand cancelled and he shall be taken into custody forthwith.

8. Accordingly, the above named petitioner no.1 is directed to be enlarged on anticipatory bail, in the event of his arrest or surrender before the court below, within a period of four weeks from today, on furnishing bail bonds of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Kishanganj in connection



with Terhagachh P.S. Case No.41 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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