

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29333 of 2024

Arising Out of PS. Case No.-260 Year-2023 Thana- DARBHANGA District- Darbhanga

Md Tanweer Khan @ Bhulan @ Md Tanweer, Son of Md Mosim Khan
Resident Of Mohalla- Manahar Road, Karamganj, P.S.-Laherisarai, Distt.-
Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Baidyanath Prasad, Advocate

For the Opposite Party/s : Mr. Anish Chandra, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 15-05-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. In this present case, the petitioner is apprehending his arrest in connection with Town P.S. Case No. 260 of 2023, registered on 28.08.2023 for the offences under Sections 413, 414 and 465 of the Indian Penal Code.

3. As per prosecution case, during regular checking of vehicles, co-accused Md. Sakib was arrested with stolen motorcycle and he disclosed that he had been dealing in the sale and purchase of stolen motorcycles along with other co-accused persons including this petitioner. Further, raids were conducted on the houses of the co-accused persons and recovery of stolen motorcycles were made from the houses of other co-accused persons.



4. Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. No recovery has been shown from the house of the petitioner and nothing incriminating has been recovered from the person or possession of the petitioner. Except for the confessional statement of co-accused Md. Sakib, there is no substantive material against the petitioner. In these circumstances, there could be no application of Sections 413 and 414 of IPC against the petitioner. Petitioner is having clean antecedent.

5. Learned APP opposes the prayer for anticipatory bail submitting that the petitioner is a member of gang of motorcycle thieves.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the completely vague nature of allegation against the petitioner and also considering the clean antecedent of the petitioner coupled with possibility of false implication, let the petitioner above named, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand Only) each with two sureties of the like



amount to the satisfaction of learned C.J.M.,
Darbhanga/concerned court in connection with Town P.S. Case
No. 260 of 2023, subject to the conditions as laid down under
Section 438(2) of the Code of Criminal Procedure and other
following conditions:

- (i) One of the bailors will be a close relative of the
petitioner.
- (ii) The petitioner will remain present on each and
every date fixed by the court below, if so required
by the learned trial court.

However, the learned trial court is directed to verify the
criminal antecedent of the petitioner and if any criminal
antecedent is found, bail bond of the petitioner will not be
accepted.

(Arun Kumar Jha, J)

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