

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28757 of 2024

Arising Out of PS. Case No.-263 Year-2023 Thana- VIJAYEPUR District- Gopalganj

Sawan Kumar Son of Madhu Bhagat Resident of Village- Madrar Khas,
Madar, P.S.- Vijaipur, District- Gopalganj, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Indrajeet Bhushan

For the Opposite Party/s : Mr.Rabindra Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 3 18-09-2024 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 Vijaipur Police Station Case No. 263 of 2023, dated 22.08.2023, disclosing offences punishable under Sections 413/414/34 of the Indian Penal Code.
3. The prosecution case, as per the First Information Report, is that the police, on secret information that four persons are standing near Hanuman Mandir along with two motorcycles for selling them, reached at the place of occurrence and on seeing the police, all the four persons started fleeing away, but the police apprehended two of them while the rest two accused persons succeeded in fleeing away. The arrested persons disclosed their names as co-accused Arvind Kushwaha and Nadim Ansari. Since no document was produced by the arrested co-



accused persons regarding the ownership of the two motorcycles, the Police also seized the motorcycles, bearing registration nos. UP 52BL/3848 and UP 52BB/9256. The arrested co-accused persons disclosed the names of the two persons who succeeded in fleeing away as the petitioner and one Sonu Kushwaha.

4. Learned Counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case at the instance of the local chowkidar, who is inimical to the family of the petitioner. He further submits that the name of the petitioner transpired in this case on the basis of disclosure of his name by the arrested co-accused persons. He further submits that the motorcycle recovered from the possession of Arvind Kushwaha (UP 52BL/3848) was not a stolen motorcycle inasmuch as the same is registered in the name of one Rajesh Kushwaha, who is the cousin brother of co-accused Arvind Kushwaha and the same has been released in favour of one Meena Devi, wife of Rajesh Kushwha. He further submits that the motorcycle recovered from the possession of co-accused Nadim Ansari was purchased from one Brij Bhushan Kumar.



5. I have heard learned counsel for the parties and have perused the material available on record, including the impugned order.
6. From perusal of the impugned order, it transpires that the motorcycle, bearing registration no. UP 52BB/9256 was released in favour of its owner, namely, Sarfan Khatoon, which goes to show that the FIR named accused persons were not the owner of the said motorcycle and the petitioner has one criminal antecedent of Arms Act. The investigation of this case is still going on.
7. Considering the above, I do not find any reason to differ with the findings arrived at by the learned Additional Sessions Judge-VI, Goaplganj, inasmuch as the case is under investigation, wherein the custodial interrogation of the petitioner may be necessary based upon the material collected by the police during course of investigation. As such, I am not inclined to grant anticipatory bail to the petitioner.
8. This application is, accordingly, dismissed.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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