

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.30657 of 2024**

Arising Out of PS. Case No.-9 Year-2024 Thana- NAYAGAON District- Begusarai

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Raja Kumar Son of Ram Kumar Ram Resident of Village- Kharagpur  
(Gorgama), P.S- Nayagaon, Dist- Begusarai.

... .. Petitioner/s

Versus

The State Of Bihar Patna

... .. Opposite Party/s

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**Appearance :**  
For the Petitioner/s : Mr. Sandip Kumar Gautam  
For the Opposite Party/s : Mr. Lalan Kumar

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**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY**  
**ORAL ORDER**

2      21-05-2024                      Heard learned counsel for the petitioner and learned  
A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Nayagaon P.S. Case No. 09/2024 registered for the offences punishable under Section 379 of the Indian Penal Code.

3. As per prosecution case, the informant parked the motorcycle on the side of house, when the informant came out from the house and found that the motorcycle was not there. On search, he got information from the villager that the petitioner had been seen while he was going on the motorcycle towards Laldiyara. It is alleged that the informant and others reached the house of the petitioner and the petitioner pointed pistol on the informant and threatened to kill and it is further



alleged that the petitioner stated that he sold the informant's motorcycle.

4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence as alleged in the FIR and he has falsely been implicated in this case. The petitioner bears no criminal antecedent. He further submits that occurrence took place on 29.01.2024 at 7.45 PM and FIR was lodged on 02.02.2024 and there is delay of four days and no plausible explanation has been given for lodging the FIR, whereas distance of police station was only 5 km from the place of occurrence. He further submits that the informant stated that Kumodh Jha saw the petitioner (Raja Kumar) driving the stolen motorcycle at Siv Nagar and Kumodh Jha tried to stop him, but it is surprising fact that how Kumodh Jha came to know that the petitioner was driving the stolen motorcycle and without any concrete information Kumodh Jha tried to stop the petitioner. Stolen motorcycle was not seized from the possession of the petitioner or his house. He further submits that the petitioner was the co-villager of informant's sasural.

5. The learned A.P.P. for the State opposed the prayer for anticipatory bail of the petitioner and submits that the petitioner is said to have driven the motorcycle in question



which has been seen by co-villager.

6. Considering the facts and circumstances of the case, keeping in view clean antecedent of petitioner, argument advanced on behalf of both sides and also taking into consideration the material available on record, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Begusarai in connection with Nayagaon P.S. Case No. 09/2024, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

**(Alok Kumar Pandey, J)**

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