

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33043 of 2024

Arising Out of PS. Case No.-10 Year-2024 Thana- PRANPUR District- Katihar

Ataur @ Ataur Rahman Son of Ejabul Haque @ Akhjabul R/o Village -
Bharatkol, Bandh Tola, P.S.- Amdabad, District - Katihar, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Balkrishna Mishra, Advocate

For the Opposite Party/s : Mr. Damodar Prasad Tiwary, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 31-07-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

02. In the present case, the petitioner is apprehending
his arrest in connection with Pranpur P.S. Case No. 10 of 2024
registered for the alleged offences under Section 411, 414 of the
Indian Penal Code.

03. As per prosecution case, the police received secret
information about petitioner taking out stolen motorcycle to
Bengal for selling it. The police tried to intercept the motorcycle
but the person driving the motorcycle fled away from the spot
leaving behind the motorcycle which was found to be stolen.
Police named this petitioner who fled away leaving behind the
motorcycle.

04. Learned counsel for the petitioner submits that the

petitioner is innocent and has been falsely implicated in this case. The petitioner is neither mechanic nor having any garage. He has been made accused in this case merely on suspicion. Petitioner is a poor man and doing labour work and is also a marginal farmer. Nothing incriminating has been recovered from conscious or constructive possession of the petitioner who is having clean antecedent

05. Learned A.P.P. for the State opposes the submission made on behalf of the learned counsel for the petitioner.

06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the vague nature of allegation along with absence of substantive material to connect the petitioner with the offences as alleged and also considering the clean antecedent of the petitioner and no recovery from person or possession of the petitioner, 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 bond of Rs. 10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of Court of learned C.J.M.-1st Class-VIII, Katihar in connection with Pranpur P.S. Case No. 10 of 2024, subject to the condition 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.

(Arun Kumar Jha, J)

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