

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38866 of 2024

Arising Out of PS. Case No.-384 Year-2023 Thana- BAKHARI District- Begusarai

Deenbandhu Kumar S/o Mukesh Kumar Mahto Resident of Village Pusaho
Ward No 5 Police Station -Bithan, District Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pratik

For the Opposite Party/s : Mr. Mithlesh Kumar Khare

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 3 25-09-2024 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 Bakhri Police Station Case No. 384 of 2023, dated 09.12.2023, disclosing offences under Sections 379 and 411 of the Indian Penal Code.
3. The prosecution case, as per the First Information Report, is that on 08.12.2023, in the night, while the informant was sleeping in his out-house, two unknown miscreants came on their motorcycle in order to steal motor, attached with the pump, and as they started moving along with stolen motor, the informant raised alarm. Upon such, the accused persons fled away leaving behind the motor and their motorcycle, bearing no. BR-09AJ-4957.



4. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case on basis of mere suspicion. He next submits that the petitioner has not been named in the First Information Report and his name has transpired during the course of investigation on the basis of disclosure of arrested co-accused. He further submits that no incriminating/stolen article has been recovered from the possession of the petitioner and/or the premises belong to him. He lastly submits that the petitioner is the owner of the seized motorcycle, which he had given to his friend for personal need and had no knowledge that the same was being used for theft or otherwise.
5. Having regard to the submissions made on behalf of the parties and taking into consideration the nature of offence and the fact that the petitioner is the owner of the motorcycle, which was being used for theft and has been recovered from the place of occurrence, I am not inclined to grant the petitioner privilege of anticipatory bail.
6. This application is, accordingly, dismissed.
7. However, if the petitioner surrenders before the concerned Court and seeks regular bail, the same may be considered on its own merit



without being prejudiced that anticipatory bail of the
petitioner has been rejected by this Court.

(Anil Kumar Sinha, J)

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