

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39577 of 2024

Arising Out of PS. Case No.-470 Year-2023 Thana- NAANPUR District- Sitamarhi

Sanu Khan Son of Abul Hasan Khan Village- Rasulganj Urf Koily, Ps-
Naanpur, Dist- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Noushad Khan Khan, Adv.

For the Opposite Party/s : Mr.Md. Iftekhar Mahmood, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 25-06-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in connection
with Naanpur P.S. Case No. 470 of 2023 registered for the
offences punishable under Section 379 of the Indian Penal
Code.

3. As per prosecution case, the Informant parked her
motorcycle bearing Regd. No. BR30V-6801 beside the road and
went for worshipping and when she returned, she did not find her
motorcycle.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case merely on the basis of suspicion. He further



submits that nothing incriminating has been recovered from the conscious/physical possession of the petitioner or from his house. He further submits that the date of occurrence is 07.09.2023 but, the F.I.R. has been lodged on 12.09.2023 i.e. after delay of five days without there being any plausible explanation for such delay. He further submits that though the F.I.R. was registered under Section 379 of the I.P.C. but, later on, the charge-sheet has been submitted under Sections 411, 420, 467, 468, 470 and 471 of the I.P.C. He further submits that the alleged motorcycle has been recovered from the house of the co-accused Gulab Raja. The petitioner has no concern with the alleged occurrence. The petitioner has no criminal antecedent as has been stated in paragraph no.3 of the present application.

5. Learned counsel for the petitioner further submits that the co-accused Sajid Khan @ Lucky Khan has been granted regular bail by this Court vide order dated 30.01.2024 passed in Cr. Misc. No. 3708 of 2024.

6. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner, stating that the petitioner is named in the F.I.R. having allegation of committing theft of the motorcycle of the Informant. The co-accused persons in their respective confessional statements have also stated the



involvement of the petitioner in the alleged commission of offence.

7. Considering the entire facts and circumstances of the case and taking into account the submissions made by the learned counsel for the petitioner, let the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Naanpur P.S. Case No. 470 of 2023, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Rudra Prakash Mishra, J)

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