

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.54124 of 2024**

Arising Out of PS. Case No.-333 Year-2021 Thana- CHAPRA TOWN District- Saran

Bihari Rai Son of Haridwar Rai @ Hardwar Prasad Yadav R/O Vill.- Bara  
Telpa, P.s.- Chapra Town, Dist.- Saran At Chapra

... .. Petitioner/s

Versus

The State Of Bihar Patna

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Ms. Rajani Kumari

For the Opposite Party/s : Mr. Umanath Mishra

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA**  
**ORAL ORDER**

2      29-08-2024                      1. Heard learned counsel for the petitioner and learned  
A.P.P. for the State.

2. The petitioner apprehends his arrest in a case registered for the offence punishable under Sections 414, 426, 467, 468, 120(B) of the Indian Penal Code.

3. Learned counsel for the petitioner submits that petitioner is a person with clean antecedent and the informant alleges that he received an information that in garage of Md. Mustkin, two motorcycles are parked, accordingly he reached the garage and saw the motorcycles and thereafter on inquiry Md. Mustakin disclosed that one motorcycle was brought by the petitioner while the other motorcycle was brought by Bhikhari, both the motorcycles were brought for repair. It is next alleged that Bhikhari fled and on inquiry, it transpired that one



motorcycle is registered in U.P. and the other at Chapra, further the accused by using fake number plate are using the motorcycles and despite giving opportunity, the accused did not produce the document relating to the motorcycles.

4. The learned counsel submits that petitioner has been falsely implicated in the instant case based on disclosure made by Md. Mustakin that motorcycle belongs to him. It is further asserted and submitted that the motorcycle does not belong to the petitioner and he has been falsely implicated in the instant case at the instance of Md. Mustakin, when he is a person with clean antecedent.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner and submits that it absolutely does not stand to reason that as to why the owner of the garage would try to implicate the petitioner in the case. It is submitted that since the petitioner had brought the motorcycles for repair, as such, the garage owner disclosed the said fact to the police but then the petitioner never appeared before the police also. It is also submitted that one of the motorcycles was registered at U.P., as such, if privilege of anticipatory bail is granted to the petitioner, the petitioner may tamper with the evidence or may abscond, on which, the learned counsel appearing on behalf of



the petitioner submits that petitioner will not abscond rather will co-operate in the investigation to prove his innocence.

6. Considering the submissions made by the learned counsel for the petitioner, 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 trial court where the case is pending/successor court in connection with Chapra Town P.S. Case No.333/2021, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. However, it is made clear that in the event if the Investigating Officer of the case files an application before the learned trial court bringing to his notice that the petitioner despite giving assurance to this court is not co-operating in the investigation in that event the learned trial court shall be at liberty to cancel the bail bond of the petitioner.

**(Satyavrat Verma, J)**

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