

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67155 of 2024

Arising Out of PS. Case No.-285 Year-2023 Thana- SANGRAMPUR District- East
Champaran

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Upendra Mukhiya Son of Ganesh Mukhiya Village- Koirgawa Bin Toli, P.S.-
Sangrampur, District- East Champaran

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh, Adv.
For the Opposite Party/s : Mr. Dr. Ajeet Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 13-12-2024 Heard learned Counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in connection
with Sangrampur P.S. Case No. 285 of 2023 for the offence
registered under sections 414 of the Indian Penal Code lodged
on 01.08.2023 by the informant Alka Kumari.

3. As per the prosecution story, the informant has
alleged that upon information that a stolen motorcycle relating
to Sangrampur P.S. Case No. 280 of 2023 has been kept in the
house of the Jain Mukhiya, the same was raided and stolen
motorcycle recovered. Further, motorcycles were recovered
from the houses of the other accused persons. Accordingly, the
FIR.



4. It is the case of the petitioner that the recovery/seizure is outside the house from a courtyard but the police due to enmity has implicated him. Further, Jain Mukhiya has been granted relief in Cr. Misc. No. 2004 of 2024.

5. Learned APP opposes the prayer submitting that so far as Jain Mukhiya is concerned, the order shows that he do not have criminal antecedent. The petitioner is an accused in three more cases as reflects from para 3 of the petition. Further, his anticipatory bail before the learned Sessions Judge was rejected on 22.01.2024 but he chose to move for anticipatory bail before this Court on 09.09.2024 i.e. after eight months.

6. Taking into account the aforesaid facts and the submission of the parties, clearly, the petitioner cannot acquit himself from Jain Mukhiya, he had no criminal antecedent and he diligently appeared before this Court unlike the petitioner who despite the rejection on 22.01.2024 sat over the matter for eight months, in that background, it would be appropriate that he surrenders and seek bail.

7. Accordingly, the anticipatory bail application stands rejected.

8. However, if the petitioner surrenders within four weeks and seek bail, the order shall take into account the



aforesaid facts relating to Jain Mukhiya and pass an order without being prejudiced by any comments made in the present order.

(Rajiv Roy, J)

Vijay Singh/-

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