

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72243 of 2024

Arising Out of PS. Case No.-195 Year-2022 Thana- RAGHOPUR District- Supaul

Md. Farukh @ Umar Faruk @ Md. Faruk Son of Israel @ Md. Israil Resident
of village - Madhura, Police Station - Narpatganj, Distt.- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arun, Advocate

For the Opposite Party/s : Mr. Dilip Kumar No.1, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 29-10-2024 Heard Mr. Arun, learned counsel for the petitioner and Mr.
Dilip Kumar No.1, learned A.P.P. for the State

2. The petitioner apprehends his arrest in Raghopur P.S. Case
No. 195 of 2022 registered for the offences punishable under
Section 379 of the Indian Penal Code.

3. While the informant was engaged in purchasing vegetables,
some unknown miscreants are said to have stolen his
motorcycle from Simrahi Durga Mandir.

4. It is submitted by learned counsel for the petitioner that no
such occurrence as alleged ever took place. He has been falsely
implicated in this case. Petitioner is not named in the F.I.R. The
petitioner's name surfaced in this case on the confessional
statement of apprehended co-accused, which has no evidentiary
value in the eye of law. Petitioner is only the bona fide



purchaser of the stolen motorcycle. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. Petitioner has four criminal antecedents and all are for similar nature of the offence.

5. Mr. Dilip Kumar No.1, learned APP for the State vehemently opposing the bail petition submitted that from seeing the criminal antecedents of the petitioner, there is no scintilla of doubt that petitioner is a habitual offender who is engaged in committing such type of crime. Hence, the petitioner does not deserve anticipatory bail.

6. Considering the facts and circumstances of case and the criminal antecedents, I am not inclined to enlarge the petitioner on anticipatory bail. The prayer for anticipatory bail of the petitioner is hereby rejected.

7. However, if the petitioner surrenders before the learned Court below within six weeks from today and seek regular bail, the learned Court below would pass order in accordance with law without being prejudiced by this order.

(Anjani Kumar Sharan, J)

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