

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75324 of 2024

Arising Out of PS. Case No.-145 Year-2022 Thana- SASARAM RAIL P.S. District- Gaya

Dilip Kumar S/o Vikrama Ram R/o vill - Gajaradhi, P.S. - Kudara, Distt. -
Kaimur at Bhabhua

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Tribhuwan Narayan, Adv.

For the Opposite Party/s : Mr. Bharat Bhushan, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 11-11-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in connection with Railway Patna-Sasaram P.S. Case No. 145 of 2022 registered for the offences punishable under Section 379 of the Indian Penal Code.

3. The prosecution case, in brief, is that on 17.07.2022 at 03.00 PM, the informant went to Sasaram Railway Station to drop his family and thereafter when he returned, he found his motorcycle missing from the place where he had parked.

4. It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has committed no offence. No such occurrence as alleged has ever taken place. He has falsely been implicated in this case due to ulterior motive. The



allegation levelled against the petitioner is totally false and based on concocted facts. He is not named in the FIR. The recovery of the alleged motorcycle has not been made from the possession of the petitioner. There is nothing on record to indicate the complicity of the petitioner, but he has been implicated in this case merely on suspicion. It is further submitted that earlier the petitioner was nabbed in an another case i.e Kudra P.S. Case No. 118 of 2023, wherein a motorcycle was seized, which is said to be stolen motorcycle of this case. He was in jail custody for more than three months in the aforesaid case and thereafter, released on regular bail. Prior to his regular bail, the police had not remanded the petitioner in the present case and when he has been enlarged on regular bail, he has falsely been implicated in this false case on the basis of recovery of said motorcycle, which was not recovered from the conscious possession of the petitioner rather it was found in abandoned condition. Learned counsel further submits that petitioner has one criminal antecedent as mentioned in para-3 of this application.

5. Learned APP for the State opposes the prayer for bail.

6. Considering the facts and circumstances of the case as well as the gravity of allegation levelled against the petitioner, I



am not inclined to enlarge him on anticipatory bail. The prayer
for anticipatory bail of the petitioner is hereby rejected.

7. Accordingly, the application stands dismissed.

(Anjani Kumar Sharan, J)

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