

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77921 of 2024

Arising Out of PS. Case No.-11 Year-2024 Thana- BHAIKAVSHTHAN District- Madhubani

Atif Firoz S/o Md. Firoz Resident of Village- Ram Nagar, Police Station-
Manigachhi, (Nehra), District- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Kumar Verma, Adv.

For the Opposite Party/s : Mr. Renu Kumari, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 26-11-2024 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. This application, for grant of anticipatory bail, arises out of Bhairav Sthan Police Station Case No. 11 of 2024, registered for the offence punishable under Section 379 of the Indian Penal Code.

3. The allegation against the petitioner, as per the First Information Report, is that on 01.02.2024, the informant parked his motorcycle, bearing Reg. No. BR32AP4326, near the East of Kamla Embankment and went to ease out. When he returned after easing out, he did not find his motor cycle. It has further been said that one screen touch mobile phone was kept in the dicky of the motorcycle.

4. Learned Counsel for the petitioner submits that the



petitioner has falsely been implicated in this case on the basis of the F.I.R. lodged on 02.04.2024, bearing Madhubani Town P.S. Case No. 134 of 2024, in which the police raided the house of one Shani Kumar and recovered firearms from co-accused person and one mobile from the petitioner and also recovered motorcycle of the informant along with other two motorcycles. He further submits that in F.I.R, bearing G.R. No. 23 of 2024 (Madhubani Town P.S. Case No. 134 of 2024), petitioner was taken into custody and was sent to jail in which the petitioner was granted regular bail by learned Sessions Judge, Madhubani, on 29.04.2024, as would be evident from Annexure P/3. He next submits that at the time of recovery of the stolen motorcycle, the petitioner was taken into custody and has already suffered in jail for about 27 days. He further submits that the present F.I.R. was lodged prior to the second F.I.R., in which the petitioner has been granted bail by learned Sessions Judge, Madhubani. He next submits that the petitioner is a student and is pursuing B.Sc. Nursing course from Bihar University of Health Sciences.

5. After having heard learned Counsel for the parties and taking into consideration the fact that petitioner has already suffered in jail in Madhubani Town PS Case No.134 of 2024 for recovery of the stolen motorcycle in question and he is a student, I am



inclined to grant the petitioner privilege of anticipatory bail.

6. This application is, accordingly, allowed.

7. Let the petitioner, above named, be released on bail, in the event of his arrest or surrender before the Court below within six weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Jhanjharpur, in connection with Bhairav Sthan (Madhubani) Police Station Case No. 11 of 2024, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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