

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80601 of 2023

Arising Out of PS. Case No.-93 Year-2014 Thana- THAKURGANJ District- Kishanganj

RAFIQUE ALAM SON ASAHABUDEEN R/O VILLAGE- MALINGAON,
P.S.- POWAKHALI, DISTRICT- KISHANGANJ

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ram Prawesh Kumar

For the Opposite Party/s : Mr.Narsingh Tanti

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 18-01-2024 1. 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 Thakurganj Police Station Case No. 93 of 2014, dated 02.05.2014, disclosing offences punishable under Sections 413/414 of the Indian Penal Code.
3. The petitioner has been made accused in this case on the basis of recovery of one stolen motorcycle from the possession of arrested co-accused persons, who have disclosed the name of the petitioner as one of their accomplices.
4. Learned Counsel for the petitioner submits that the petitioner has been made accused in this case on the basis of disclosure of his name by the arrested co-accused



persons and the stolen motorcycle has not been recovered from the possession of the petitioner. The petitioner was not aware about his name being dragged in this case and when he got the knowledge of issuance of warrant of arrest three months back, he filed anticipatory bail application, which has been rejected by the learned District Court on the ground of delay. The criminal antecedent of the petitioner is of the year 2014 and since then, no case has been lodged against the petitioner. Referring to paragraph 3 of the impugned order, learned Counsel submits that the investigation is still pending against the petitioner.

5. Regards being had to the submissions advanced on behalf of the parties and taking into consideration the nature of allegation and the fact that no incriminating article has been recovered from the possession of the petitioner and the investigation is still pending against the petitioner, I am inclined to grant the petitioner privilege of anticipatory bail.
6. This application is, accordingly, allowed.
7. Let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of



four 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 Chief Judicial Magistrate, Kishanganj, in connection with Thakurganj Police Station Case No. 93 of 2014, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

8. This is subject to the condition that the petitioner shall present himself before the police/Court, as the case may be, as and when required and in the event of failure on his part to appear on two consecutive occasions, his bail bond shall be liable to be cancelled.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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