

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8110 of 2025

Arising Out of PS. Case No.-132 Year-2024 Thana- MAINATAND District- West Champaran

Abdul Kalam Son of Phajil Mian @ Fajil Miyan R/o Village - Sukhalahi, P.S.-
Mainatand, District - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dharmesh Kumar Chaubey

For the Opposite Party/s : Mr. Chandra Bhushan Prasad

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 06-03-2025 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State, Mr. Chandra Bhushan Prasad.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 318(4),
338, 336(3) and 340(2) of BNS.

3. The learned counsel appearing on behalf of the
petitioner submits that the informant alleges that he received an
SMS on his mobile that e-challan No. BR171708024715124149
has been issued against him, accordingly he inquired when he
came to know that one person by the name of Abdul Kalam was
found triple riding a Hero Splendor motorcycle for which the
challan was issued, accordingly the informant realized that the
said motorcycle of Abdul Kalam bears his Registration No. i.e.
BR 22 AP 3193, Chassis No. MBLHAW082KHL55913 and



Engine No. HA10AGKHL80046, thus it is alleged that Abdul Kalam was using forged and fabricated number plate on the motorcycle on which he was riding on the date of occurrence.

4. The learned counsel appearing on behalf of the petitioner submits the motorcycle which Abdul Kalam was riding was purchased by his father from one Praful Azam and the said Praful Azam had purchased the bike from Vikrama Das. It is next submitted that it absolutely does not stand to reason that the motorcycle which the petitioner was riding was having the same chassis number and engine number as that of the motorcycle of the petitioner. It is next submitted that it absolutely does not stand to reason that how chassis number and engine number of two motorcycles can be the same. It is next submitted that the registration number of the bike of the informant is BR 22 AP 3193, Chassis No. MBLHAW082KHL55913 and Engine No. HA10AGKHL80046. It is next submitted that even the motorcycle which the petitioner was riding bears the same chassis number and engine number.

5. Learned A.P.P. for the State, Mr. Chandra Bhushan Prasad, opposes the prayer for anticipatory bail of the petitioner and submits that though it has been submitted and pleaded that



father of the petitioner had purchased the motorcycle from Praful Azam, but then the motorcycle was never transferred in his name, as such, in absence of transfer of the ownership of the motorcycle in the name of the father of the petitioner does not create any title of the petitioner or his father in the motorcycle, on which the learned counsel appearing on behalf of the petitioner submits that father of the petitioner may not have got the ownership transferred, but then they are not criminals. It is also submitted that petitioner will not abscond rather will co-operate in the investigation to prove his innocence.

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Mainatand P.S. Case No. 132 of 2024 subject to the conditions as laid down under Section 482 (2) of the BNSS.

7. However, it is made clear that in the event if the Investigating Officer of the case files an application before the



learned Trial Court bringing to its notice that petitioner despite giving assurance to this Court is not co-operating in the investigation, in that event the learned Trial Court shall be at liberty to forthwith cancel the bail bonds of the petitioner.

8. It is further made clear that if charge sheet is submitted connecting the petitioner with the offence in that event the present anticipatory bail order shall lose its effect.

9. Accordingly, the instant anticipatory bail application stands allowed.

(Satyavrat Verma, J)

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