

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16499 of 2025

Arising Out of PS. Case No.-416 Year-2024 Thana- AURANGABAD TOWN District-
Aurangabad

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Abinash Chaudhary S/o- Shivnath Chaudhary Village- Meh Ps- Narari Kala
Churd Dist- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Tribhuwan Narayan, Adv.
For the Opposite Party/s : Mr. Abhay Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 13-05-2025 Heard the learned Advocate for the petitioner and the
learned APP for the State.

2. The petitioner apprehends his arrest in connection
with Aurangabad Town P.S. Case No. 416 of 2024, registered
for the offences punishable under Section 379 of the Indian
Penal Code.

3. Allegedly on the fateful day on 15.06.2024, while
the informant has gone to Mahakal temple, after parking his
motorcycle, bearing registration no. BR26F-5342 beside the
road and when he returned, he found his motorcycle was
missing. Despite the best effort, he could not trace his
motorcycle; hence the FIR came to be registered.

4. Learned Advocate for the petitioner contended that



the petitioner is not named in the FIR. The motorcycle was found missing on 15.06.2024, but the FIR came to be registered on 16.06.2024. It is further contended that in fact subsequent to the occurrence on 07.09.2024, motorcycle was seized in connection with Nararikal Khurd P.S. Case No. 65 of 2024, in connection with the offence registered under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018. Only because of the fact that the petitioner was made accused in the aforementioned excise matter, his named has also been implicated in the case of theft of motorcycle. Prior to the institution of Nararikal Khurd P.S. Case No. 65 of 2024, the petitioner had absolutely clean antecedent and moreover, the petitioner has remained in custody for a month in connection with the excise matter.

5. On the other hand, learned counsel for the State opposed the pre-arrest bail application and submitted that the petitioner was apprehended along with motorcycle of the informant, which was allegedly stolen by thief.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the stolen motorcycle, in question, which was used for the purpose of trafficking of illicit wine was recovered from the possession of



the petitioner, this Court is not acceded to the prayer for anticipatory bail. However, if the petitioner surrenders before the Court below, preferably within a period of four weeks, the learned jurisdictional Court shall consider the same without being prejudice by the order of this Court.

7. Accordingly, the prayer for anticipatory bail of the petitioner stands rejected.

(Harish Kumar, J)

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