

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29789 of 2025

Arising Out of PS. Case No.-4 Year-2025 Thana- ISHUPUR BARAHAT District- Bhagalpur

Fateh Khan Son of Md Khan Resident of Village- Dhamri Saheb, PS-
Meharama, Dist- Godda, Jharkhand

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anupam Raj

For the Opposite Party/s : Mr.Dinesh Singh

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 14-05-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Ishipur Barahat P.S. Case No. 04 of 2025 registered for the offences punishable under Sections 317(2) and 3(5) of the Bhartiya Nyaya Sanhita.

3. As per prosecution case, informant received information that the stolen Trio auto was found at Mahindra show room, Barahat. Thereafter, informant alongwith police officials reached at the place of occurrence and saw that the said Trio auto was parked there. Further, service advisor Vikram Kumar told that petitioner brought this Trio auto for repairing on 11.01.2025. It is alleged that during the course of repairing, G.P.S. has turned on and the same is showing the name of



Munna Kumar, as a real owner of the said Trio auto in question. On enquiry, co-accused Jitendra Thakur did not show any valid document regarding the said Trio auto in question and disclosed that he had bought the said auto from the petitioner. It is further alleged that Munna Kumar disclosed that the said Trio auto has been stolen on 08.10.2024 for which on the same day he has registered FIR bearing Chausa P.S. Case No. 246 of 2024 under Section 303(2) of BNS.

4. Learned counsel for the petitioner submits that except disclosure of co-accused Jitendra Thakur, there is nothing on record to demonstrate the complicity of the present petitioner with the alleged occurrence. No incriminating article has been recovered from conscious possession of the petitioner. He further submits that co-accused Jitendra Thakur has dragged the name of the petitioner in order to save his skin from the present case. Petitioner was not found at the place of occurrence. Petitioner is innocent and has committed no offence as alleged in the FIR and he has falsely been implicated in this case. Petitioner bears no criminal antecedent, as mentioned in Para 3 of the anticipatory bail petition. He further submits that petitioner will not abscond rather will co-operate in the investigation to prove his innocence.



5. The learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

6. Considering the facts and circumstances of the case, keeping in view clean antecedent of petitioner, argument advanced on behalf of both sides and also taking into consideration the material available on record, 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 bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Ist Class, Bhagalpur in connection with Isipur Barahat P.S. Case No. 04 of 2025, subject to the conditions as laid down under Section 482 (2) of BNSS.

7. The application stands allowed.

8. 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 the petitioner despite giving assurance to this Court are not co-operating in the investigation, in that event, the learned trial court shall be at liberty to cancel the bail bonds of the petitioner.

9. However, at the time of furnishing bail bond, the



petitioner shall undertake that he has no criminal antecedent, as mentioned in para-3 of the bail petition and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the trial court shall take step for cancellation of bail bond of the petitioner.

(Alok Kumar Pandey, J)

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