

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53699 of 2024

Arising Out of PS. Case No.-126 Year-2024 Thana- DIGHWARA District- Saran

Nitin Chaubey @ Nitin Kr. Chaubey @ Nitin Kumar Chaubey Son Of Nand
Kishore Chaubey @ Chandra Kishore Chaubey Resident Of Village -
Mujauna Kothiya, Police Station - Dariyapur, District - Saran

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Jha, Adv.

For the Opposite Party/s : Mr. Syed Ehteshamuddin, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 31-08-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends arrest in connection with
Dighwara P.S. Case No. 126 of 2024 dated 26.04.2024,
instituted for the offence punishable under Sections 420, 467,
468, 471 of the Indian Penal Code.

3. The prosecution case, in short, is that on
14.04.2024 the informant received message on his mobile no.
7488503816 regarding fine of Rs.1000/- of non-helmet *vide*
challan no. BR 1816912404103311. The place of challan was
Dighwara while he was at Vastu Bihar, Ashopur, Patna at that
time. He has further claimed that his vehicle registration number
was being misused. It is further notable that there is also fine on



the said registration number on 04.01.2024 due to lack of driving license. He gathered information from SP Office, Patna that the name of this person is Nitin Chaubey (petitioner) whose phone number is 7519841508.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. It is submitted that petitioner's brother-in-law, namely, Vishal Raj purchased a Honda Livo DLX Blue Colour motor cycle from R.K. Automobile NH-98, Main Road Naubatpur vide Challan No. 9122682024 on 19.11.2016 and 23.01.2017 in two installments bearing Engine No. JC71ET0300716, Chassis No. ME4JC714JGT047908 on payment of Rs. 60,000/- on 19.11.2016 and he paid remaining amount of Rs.8,500/- on 23.01.2017. It is also submitted that total amount was paid to the agency for cost of the vehicle, Road Tax and Insurance. Receipt was issued to Vishal Raj for the same. The said motorcycle was gifted to the petitioner in marriage of the sister of Vishal Raj with the petitioner. Honda agency provided Reg. No. BR01DS7985 and the same registration number was used by the petitioner. It is submitted that the same registration number has also been issued in the name of informant due to which the said message of challan was sent to the informant. All the receipts



are annexed as Annexure-2 (series). It is further submitted that Vishal Raj has sworn affidavit in the present application. Lastly, it has been submitted that he has one criminal case against him in which I.O. has submitted final form and petitioner was not sent up for trial.

5. Learned A.P.P. has opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner within a period of six weeks from today, in connection with Dighwara P.S. Case No. 126 of 2024, he shall be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-II, Saran at Chhapra, subject to condition as laid down under Section 438(2) of the Cr.P.C..

(Khatim Reza, J)

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