

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.41952 of 2017**

Arising Out of PS.Case No. -40 Year- 2016 Thana -GARDANIBAGH District- PATNA

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1. Mahesh Kumar Son of Shri Shiv Nandan Paswan Resident of Village  
Chuharmal Nagar, P.S. Phulwarisharif, District Patna.

.... .... Petitioner/s

Versus

1. The State of Bihar

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Lovekush Kumar

For the Opposite Party/s : Mr. Sri Ram Bachan Singh

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**CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA**  
**ORAL ORDER**

3      13-09-2017

Heard learned counsel for the petitioner and the State.

The petitioner apprehends arrest in Gardanibagh P.S. Case  
No. 40 of 2016 instituted for the offence under Sections-379, 411 &  
other minor Sections of the Indian Penal Code.

As per FIR, the aforesaid motorcycle was recovered from  
possession of Vikky Kumar.

The seizure list is enclosed with the FIR wherein it is  
mentioned that motorcycle was seized from possession of Vikky Kumar  
near Anisabad Manik Talab.

It has been submitted that name of this petitioner has been  
taken by the informant in his restatement. The other co-accused namely,  
Sintu Kumar with similar allegation has been granted anticipatory bail  
by a coordinate bench of this court vide order dated 22-06-2017 passed  
in Cr. Misc. No. 19613 of 2017.



In such circumstances, prayer for anticipatory bail is allowed and it is ordered that the petitioner named above in the event of his arrest or surrender in the court below within six weeks from the date of receipt/production of copy of this order, shall be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each in connection with Gardanibagh P.S. Case No. 40 of 2016 to the satisfaction of Smt. Sangeeta Rani, learned Judicial Magistrate-Ist Class, Patna subject to condition as laid down u/S 438(2) of the Cr.P.C. with further conditions (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioner shall cooperate in the trial and shall be present on each and every date fixed by the court and absence on two consecutive dates without proper and reasonable reason, will automatically cancel bail bond of the petitioner and (3) if petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

**(Sanjay Priya, J)**

A.K.V./-

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