

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47400 of 2017

Arising Out of PS.Case No. -191 Year- 2017 Thana -SUGAULI District-
EASTCHAMPARAN(MOTIHARI)

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Upendra Yadav, Son of Vishwanath Yadav, Resident of Village- Vishanpur,
P.S.- Aadapur, District- East Champaran, Motihari.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Sharda Nand Mishra, Advocate

For the Opposite Party/s : Mr. Sri Ram Sevak Choudhary, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2. 17-10-2017

Heard learned counsel for the petitioner and
learned Additional Public Prosecutor for the State.

The petitioner, in the present case, is seeking
anticipatory bail in connection with Sugauli P.S. Case No.
191/2017 for the offences under Sections 420, 414 of the
Indian Penal Code, pending in the court of learned Chief
Judicial Magistrate, East Champaran, Motihari.

Learned counsel for the petitioner submits that
one Hari Mahto who was arrested by the police when he
could not produce the documents relating to the ownership
of a motorcycle, amongst others named this petitioner as
one of the persons involved in commission of theft of
motorcycle.



Learned counsel for the petitioner submits that Hari Mahto disclosed the name of three persons including the present petitioner, from the possession of other two persons, recoveries were made, but nothing has been recovered from the possession of this petitioner. There is no criminal history of this petitioner and the only reason for which he is apprehending his arrest is because Hari Mahto took his name. The said Hari Mahto has already been granted regular bail by a coordinate Bench of this court in Cr. Misc. No. 39459/2017.

On the other hand, learned APP opposes the prayer for bail but accepts the position that nothing has been recovered from the possession of this petitioner and except the statement of Hari Mahto, there is no other material against him.

Considering the nature of allegation and the fact that the petitioner has no criminal history, in the event of his arrest/surrender before the court below within a period of four weeks, let the petitioner above-named be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, East



Champan, Motihari in connection with Sugauli P.S. Case
No. 191/2017, subject to the conditions as laid down under
Section 438(2) of the Code of Criminal Procedure.

Rajeev/-

(Rajeev Ranjan Prasad, J.)

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