

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.59167 of 2018

Arising Out of PS. Case No.-272 Year-2017 Thana- MANJHAGARH District- Gopalganj

Birendra Prasad, son of Late Rama Sah, Resident of Village- Pyarepur Police
Station- Barauli, District- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Kumar Singh, Advocate
For the Opposite Party/s : Mr. Madhuranand Jha

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

4 13-12-2018 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is apprehending his arrest in connection
with Manjhagarh P.S. Case No.272 of 2017, G.R. No.4641 of
2017 for the offence registered under Sections 379, 328, 396,
412, 413 and 120B of the Indian Penal Code.

Learned counsel for the petitioner submits that the
allegation against the petitioner is based on pure conjecture as
he is the uncle of the person from whose godown 25 tins of
mustard oil valued at Rs.83,000/- was recovered. It is further
submitted that a truck which was carrying items had
disappeared and subsequently, the dead body of the truck driver



was found and the item which was said to be on the truck was allegedly purchased by the nephew of the present petitioner. The petitioner has no role to play and was not named in the F.I.R., but since he has let out his house to his nephew for the purpose of godown, he has also been implicated in connection with the present case. It is further submitted that the co-accused Veera Chaudhari has dragged the name of said Kameshwar Prasad in his confessional statement made before the police, which has no evidentiary value and the petitioner is the aged uncle of said Kameshwar Prasad. It is further submitted that Kameshwar Prasad has since been extended the privilege of anticipatory bail in Cr. Misc. No.14805 of 2018 vide order dated 8.5.2018 (Annexure-2).

Considering the aforementioned facts and circumstances and the remoteness of connection of the offence with the present petitioner and that he has no criminal antecedent, let the petitioner, above named, in the event of his arrest/surrender before the learned court below within a period of four weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of C.J.M., Gopalganj in connection with Manjhagarh P.S. Case No.272 of



2017, G.R. No.4641 of 2017, subject t o the conditions as laid
down under Section 438(2) of the Code of Criminal Procedure.

(Anjana Mishra, J)

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