

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23256 of 2018

Arising Out of PS. Case No.-144 Year-2017 Thana- AMNAUR District- Saran

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1. Tarkeshwar Rai, Son of Loha Rai,
 2. Sujeet Rai @ Nanhaki Rai @ Sanjeet Rai @ Nanhaki, Son of Manshi Rai @ Munshi Rai, Both are Residents of Village- Laganpura, Police Station- Bheldi, District- Saran (Chapra).

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Brij Kishor Mishra
For the Opposite Party/s : Mrs. Gulnar Begam

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 27-04-2018 Heard learned counsels for the petitioners and State.

The petitioners are apprehending arrest in a case initially registered for the offences punishable under Section 379 of the IPC, subsequently, Section 411 IPC was also added.

The prosecution is that the informant's Hero Splendor Pro motorcycle was stolen on 30.09.2017, leading to registration of FIR against unknown persons. Subsequently, during vehicle check, two persons were apprehended riding on the alleged motorcycle of the informant, who disclosed their names as Ashok Rai and Dhananjay Rai. The apprehended accused suggested that they have purchased the motorcycle from the petitioners.



It is submitted by learned counsel for the petitioners that admittedly, recovery has not been made from the petitioners. The apprehended accused Ashok Rai and Dhananjay Rai are resident of native place, hence due to old enmity, they have named the petitioners. There is no documentary proof with regard to sale of motorcycle by the petitioners. A statement has been made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent.

Learned APP submits that during investigation, the apprehended accused from whom the recovery has been made, have named the petitioners.

Considering the fact that the name of the petitioners sprang up on the confession of co-accused from whom recovery has been made, coupled with the statement made in paragraph no.3 of the petition that the petitioners are not having criminal antecedent, let the above named petitioner be released on anticipatory bail in the event of arrest/surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-V, Chapra, District Saran in connection with Amnour P.S. Case No. 144 of 2017,



subject to the condition as laid down under Section 438(2) of the Cr. P.C.

The bail bond of the petitioners shall be accepted on filing affidavit that they will regularly co-operate during investigation. Non-co-operation of the petitioners during investigation will give liberty to the prosecution to file an application for cancellation of bail bonds of the petitioners.

(Dinesh Kumar Singh, J)

Amrendra/-

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