

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12794 of 2019

Arising Out of PS. Case No.-295 Year-2018 Thana- BELHAR District- Banka *

Madhup Kumar @ Madhu Yadav, aged about 27 Years, Male, Son of Ram Swaroop Yadav, Resident of Village-Belhar, P.O.-Belhar, P.S.-Belhar, District-Banka.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Pranav Kumar Jha, Advocate.
For the Opposite Party : Mr.Ashraf Ansari, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 01-03-2019 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner is apprehending his arrest in a case for the offence registered under Sections 379 and 414/34 of the IPC.

The prosecution story, in brief, is that on 25.10.2018 at about 13.10 P.M., the informant received a secret information that the petitioner and other accused has kept the stolen Motorcycle with them and going to deliver at Jamui, Munger and Bhagalpur. Accordingly, a raid was conducted by the informant and one Suraj Kumar @ Piyush Kumar was arrested with a black colour Bullet Motorcycle. He failed to produce the papers. On information, another raid was conducted in Belhar Bazar from where one Sunil Yadav was arrested with red colour



Apache Motorcycle. He also failed to produce the paper for that. On the statement of Sunil Yadav, informant reached at his house, where also paper of Motorcycle could not be produced by the accused. One another Bullet Motorcycle was also recovered from the out house of accused, which was disclosed as that the said Bullet belongs to the petitioner. Accordingly, no papers of the Motorcycles were produced by the accused. So, it seems that these seized Motorcycles are stolen one.

It has been submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. The petitioner has been named by co-accused Sunil Yadav. Except for confessional statement of Sunil Yadav, there is no other substantive evidence to suggest the implication of the petitioner in the present case. No stolen property is said to have been recovered from conscious possession of the petitioner.

On behalf of the learned counsel for the State, it has been submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner above named, in the event of arrest or surrender



before the learned court below within a period of six 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 the learned A.C.J.M.-III, Banka, in connection with Belhar P.S. Case No. 295 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

U.K./-

U		T	
---	--	---	--

