

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28990 of 2019

Arising Out of PS. Case No.-31 Year-2019 Thana- THAWE District- Gopalganj

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Vishal Yadav @ Vishal Kumar Yadav Son of Harendra Yadav Resident of
Village-Bhatawaliya, P.S.-Mirganj, District-Gopalganj.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shubhesh Pandey, Advocate

For the Opposite Party/s : Md. Nazir Ansari, APP

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

3 09-05-2019 Heard learned counsel for the petitioner and learned
counsel for the State.

In this case, the petitioner is seeking anticipatory
bail in connection with Thawe P.S. Case No. 31 of 2019,
registered for the offence punishable under Sections 414 and 34
of the Indian Penal Code.

Allegation has been made that when the informant
with police party was on night patrolling duty, he was received
information that three miscreants on a motorcycle were fleeing
away, the police intercepted but they tried to flee away, but one
of them was apprehended with motorcycle and he has taken the
name of the petitioner along with another co-accused, namely,
Piyush Pandey. He did not produce any papers with regard to



the motorcycle, but today an affidavit has been filed attaching the copy of Screen Report of Government of Bihar, Transport Department, wherein, the vehicle no. BR29Q 4128 has been shown to be owned by Rambeyas Yadav and counsel for the petitioner submits that he is his '*Phupha*' and it is not the case under Section 414 of the Indian Penal Code.

Looking to the entire facts and circumstances of the case, let the petitioner, above-named, be released on **provisional anticipatory bail** in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of the Additional Chief Judicial Magistrate IV, Gopalganj in connection with Thawe P.S. Case No. 31 of 2019, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

This Court directs the court below to hold an inquiry as to whether the aforesaid motorcycle, which was recovered, is belonging to '*Phupha*' of the petitioner. If, it is found that the aforesaid motorcycle is belonging to his '*Phupha*', in that circumstances, his provisional bail will be confirmed. If, it is found that the aforesaid motorcycle is not



belonging to his '*Phupha*', in that circumstances, his provisional
bail will be treated to have been cancelled.

(Shivaji Pandey, J)

V.K.Pandey/
S. Katyayan/-

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