

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40830 of 2019

Arising Out of PS. Case No.-597 Year-2018 Thana- SIWAN CITY District- Siwan

Aditya Kumar @ Golu, son of Brajesh Pandey @ Arun Pandey Resident of
Village - Raghunathpur, P.S.- Raghunathpur, District - Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Pandey

For the Opposite Party/s : Mr.Yogendra Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 02-07-2019 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

Petitioner apprehends his arrest in connection with Siwan
Town P.S. Case No.597 of 2018 for the offence punishable under
Sections 379, 411 of the Indian Penal Code.

The prosecution story as per the FIR is that on
20.09.2018 at about 10:00 A.M. Mahesh Kumar Ram took
motorcycle of the informant to visit Siwan for some urgent work
and parked his motorcycle at Vishal Megamart and from where the
said vehicle has been stolen allegedly by the petitioner and the
same was recovered from the petrol pump on 20.09.2018 and FIR
has been lodged by informant on 21.09.2018.

Learned counsel for the petitioner submits that the
petitioner has falsely been implicated due to the fact the petitioner
and the informant both are co-villagers and there was some



previous enmity. He further submits that the motorcycle was recovered on 20.09.2018 but the FIR has been lodged with delay of one day, i.e., 21.09.2018. The further submission is that the motorcycle was not recovered from the conscious possession of the petitioner but on the contrary, it has been recovered from the petrol pump which is a public place.

After having heard learned counsel for the petitioner as well as learned counsel appearing on behalf of the State and taking into consideration the fact that the motorcycle was found near petrol pump and was not recovered from the possession of the petitioner. As such, I am inclined to grant anticipatory bail to the petitioner.

Accordingly, the petitioner is directed to surrender before the learned Court below within a period of four weeks and in the event of surrender by the petitioner, the petitioner shall be released on anticipatory bail by the Court below upon furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Siwan, subject to the condition as mentioned under Section 438 (2) of Cr.P.C.

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(Anil Kumar Sinha, J)

