

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45576 of 2019

Arising Out of PS. Case No.-737 Year-2018 Thana- MOTIHARI TOWN District- East
Champaran

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VIVEK KUMAR Son of Shyama Bhagat @ Shyama Prasad Resident of
Village - Surha, P.S.- Muffasil, District - East Champaran, Motihari

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Abhishek Kumar
		Mr. Umesh Chandra Verma
For the Opposite Party/s	:	Mr. Ramesh Chandra

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 24-07-2019 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Motihari Town Police Station Case No. 737 of 2018, disclosing offences under Sections 413 and 414 of the Indian Penal Code.

The allegation against the petitioner, as per the First Information Report, is that on a secret information that two miscreants were dealing with stolen motorcycle, raided the garage of one Mustafa and apprehended co-accused Rajan Prasad, while the other succeeded in fleeing away. The arrested person disclosed the name of the petitioner and others.

Learned Counsel for the petitioner submits that the



petitioner has falsely been implicated in the present case based upon the statement made by co-accused, who was arrested. He further submits that from the spot, co-accused Dipesh Kumar had also, allegedly, fled away and whose name was also disclosed by the arrested person. He submits that petitioner is not habitual offender and that co-accused Dipesh Kumar has been granted anticipatory bail by this Court, by order, dated 19.07.2019, passed in Criminal Misc. No. 44484 of 2019.

After having heard learned Counsel for the parties and taking into consideration the fact that the petitioner was not one of the person who allegedly fled away from the spot on arrival of the Police and similarly situated co-accused person has been granted anticipatory bail by this Court, this application is allowed.

Let the petitioner, Vivek Kumar, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on 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, East Champaran, at Motihari, in connection with Motihari Town Police Station Case No. 737 of 2018, subject to the condition laid down under Section 438 (2) of the Code of Criminal



Procedure.

This is subject to the condition that the petitioner shall present himself before the police/Court, as the case may be, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bond shall be liable to be cancelled.

Prabhakar Anand/-

(Anil Kumar Sinha, J.)

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