

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46565 of 2019

Arising Out of PS. Case No.-29 Year-2019 Thana- GANDHIMAIDAN District- Patna

SURAJ KUMAR Son of Sri Manoj Kumar Resident of Mohalla-North
Mandiri, Chakkan Tola near at Prem Chowk, P.S-Budha Colony, District-
Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Kumar Sinha

For the Opposite Party/s : Mr.Ram Bachan Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 29-07-2019 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises
out of Gandhi Maidan Police Station Case No. 29 of 2019,
disclosing offences under Section 392 of the Indian Penal Code.

The allegation against the petitioner, on the basis of
the First Information Report, is that the informant was going on
an auto and at about 07:15 PM, two persons, riding on a
motorcycle, intercepted the auto, snatched the mobile of the
informant and fled away. When the informant and other persons
tried to chase the accused persons, the accused persons fled
away, leaving behind the motorcycle and one mobile, which
were handed over to the Police.



Learned Counsel for the petitioner submits that the petitioner is innocent and has not committed any offence in the manner alleged. He further submits that the seized motorcycle and mobile phone do not belong to the petitioner and the name of the petitioner has transpired on the basis of the confessional statement of the co-accused, who was subsequently arrested in this case and was the owner of the seized motorcycle. He further submits that in the confessional statement, the co-accused has stated that he was riding the motorcycle whereas the petitioner was sitting on the motorcycle with him, but in the bail application filed before the learned Court below, a plea has been taken that the co-accused had given the seized motorcycle to the petitioner. He thus submits that there is contradiction in the statement made before the police and in the bail application filed before the learned Court below. Regarding the criminal antecedent of the petitioner, learned Counsel submits that those cases are not of the nature of the present case and in those cases, the petitioner is on bail.

After having heard learned Counsel for the parties and taking into consideration the fact that there is contradiction in the statement of the co-accused made before the police and in the bail application filed on his behalf before the learned Court



below and further that no recovery of either the motorcycle or the mobile has been made from the petitioner, this application is allowed.

Let the petitioner, Suraj 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 Sub Judge XVII -cum- Additional Chief Judicial Magistrate, Patna, in connection with Gandhi Maidan Police Station Case No. 29 of 2019, 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.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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