

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49164 of 2019

Arising Out of PS. Case No.-97 Year-2019 Thana- VAISHALI District- Vaishali

CHANDAN KUMAR, aged about- 23 years, Sex- Male, Son of Guru Sharan Ray @ GuruShan Ray, resident of Village - Fakuli, P.S.- Kudhani, O.P.- Fakuli, District- Muzaffarpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Yugal Kishore, Advocate

For the Opposite Party/s : Mr. Nawal Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

2 06-08-2019 Heard learned counsel for the petitioner and

learned counsel for the State.

In this case, the petitioner is seeking anticipatory bail in connection with Vaishali (Belsar O.P.) P.S. Case No. 97 of 2019, registered for the offence under Sections 401, 413, 414, 467, 468, 471 and 120B/34 of the Indian Penal Code.

The Police has intercepted and seized three motor-cycles and apprehended the miscreants, who disclosed their names as Roushan Kumar, Subodh Kumar, Rahu Kumar, Bittu Kumar, Gaurav Kumar and Nitesh Kumar. They have taken the name of the present petitioner, accordingly, the Police raided the house of the petitioner, from where a motor-cycle bearing registration no. BR06ATY-3170 has been recovered.

Learned counsel for the petitioner submits that the petitioner has not committed theft of the motor-cycle and the



motor-cycle, which has been recovered from his house, belongs to his brother.

Looking to the aforesaid facts and circumstances of the case, let the above-named petitioner be released on provisional 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) each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Vaishali at Hajipur, in connection with Vaishali (Belsar O.P.) P.S. Case no. 97 of 2019, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure. This is also subject to the condition that the Court below will enquire the matter with regard to owner-book that has been attached by the petitioner to this bail petition, claiming that the recovered motor-cycle is of his brother. If it is found that the statement of the petitioner is correct, then his provisional bail will be confirmed otherwise the interim relief granted to the petitioner will be treated to have been cancelled.

(Shivaji Pandey, J)

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