

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58673 of 2019

Arising Out of PS. Case No.-120 Year-2019 Thana- PARASBIGHA District- Jehanabad

1. SUJEET KUMAR Son of Ram Vinay Singh Resident of Village Bedauli, P.S. Bhagwanganj, District- Patna.
2. Budhu Yadav @ Budhu Kumar @ Brahamdeo Yadav Son of Late Ramdeo Yadav Resident of Village Bedauli, P.S. Bhagwanganj, District- Patna.
3. Sanjay Yadav Son of Brahamdeo Yadav @ Chandradeo Yadav Resident of Village Helha, P.S. Khiri More, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Sinha
For the Opposite Party/s : Mr. Satyendra Prasad

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 17-09-2019 Heard learned Counsel for the petitioners and learned
Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Parasbigha Police Station Case No. 120 of 2019, disclosing offences under Sections 414/34 of the Indian Penal Code.

The prosecution case, as per the First Information Report, is that the police, during patrolling, noticed a bolero vehicle coming from Jehanabad and on seeing the police, the driver turned the vehicle and tried to flee away from the place of occurrence. The police chased them and arrested two persons,



sitting on the said vehicle, who disclosed their names as Rakesh Kumar and Lal Bihari Yadav. It has been alleged that the arrested persons disclosed the names of petitioners, who were also boarding the vehicle in question.

Learned Counsel for the petitioners submits that the petitioners have falsely been implicated in this case inasmuch as from perusal of the First Information Report, it would be evident that at the time when the police intercepted the vehicle, only two persons were found sitting in the said vehicle and, therefore, the presence of the petitioners is ruled out on the face of it. He further submits that the names of the petitioners have been added by the police with oblique motive based upon alleged statement of the arrested co-accused persons. He, relying on Annexure-2, submits that the petitioner no. 1 is the owner of the said bolero vehicle and the vehicle was being driven by co-accused Rakesh Kumar.

Having regard to the submissions made on behalf of the parties and taking into consideration the fact that the names of the petitioners have been disclosed by the arrested co-accused persons, one of them was the driver of the petitioner no. 1 and the petitioner no. 1 is claiming himself to be the legal owner of the bolero vehicle in question, I am inclined to grant the



petitioners privilege of anticipatory bail.

This application is, accordingly, allowed.

Let the petitioners, above named, in the event of their 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 Judicial Magistrate, 1st Class, Jehanabad, in connection with Parasbigha Police Station Case No. 120 of 2019, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

Prabhakar Anand/-

(Anil Kumar Sinha, J.)

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