

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 74783 of 2019**

Arising Out of PS. Case No.-364 Year-2019 Thana- SHEKHPURA District- Sheikhpura

MANISH KUMAR Son of Dhananjay Mahto @ Dhananjay Prasad Resident
of Village - Murarpur, P.S.- Korma, Distt.- Sheikhpura.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Biresh Kumar Sinha

For the Opposite Party/s : Mr.Surendra Prasad Singh

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

4 **18-12-2019** Heard learned counsel for the petitioner and the learned
APP for State.

Petitioner apprehends arrest in connection with
Sheikhpura Police Station (for brevity, *PS*) Case No 364 of 2019
instituted for the offence under Section(s) 401, 379/34 of Indian
Penal Code.

Having no criminal antecedent, it is submitted that the
petitioner has been implicated in this case on the confessional
statement of co-accused Sonu Kumar who, it is alleged, was
arrested on a White Apache Motorcycle of TVS Company and
three master keys were recovered. Allegation is that when the
informant along with the police party was patrolling then, upon
confidential information regarding vehicle looters, he has



apprehended the co-accused Sonu Kumar. Recovery whatsoever is from Sonu Kumar. Other than statement of Sonu Kumar, there is nothing to connect the petitioner with the occurrence. There is no recovery from the petitioner. From the case diary also, it is submitted that other than the statement of informant and other members of the Police Party, there is nothing to support the allegations against the petitioner. Such statements, when the petitioner has not been apprehended at the spot, have no relevance.

The learned APP for the State has opposed the prayer for anticipatory bail.

Considering the aforesaid facts, prayer of the petitioner for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioner, named above, before the court below, within four (04) weeks from today, he shall be released on anticipatory bail on furnishing bail bond of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Sheikhpura in connection with Sheikhpura PS Case No 364 of 2019 subject to the conditions as laid down under Section 438 (2) of Criminal Procedure Code and also the following conditions:-

- (i) That one of the bailors will be a close relative of the



petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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