

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71808 of 2019

Arising Out of PS. Case No.-20 Year-2018 Thana- KUDHNI District- Muzaffarpur

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RUPESH KUMAR Son of Late Kedar Singh Resident of Village - Balaur
Dih, P.S.- Kudhani, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Nachiketa Jha

For the Opposite Party/s : Mr.Md. Fahimuddin

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 04-12-2019 Heard learned counsels for the petitioner and the

State.

The petitioner is apprehending arrest in a case registered
for the offence punishable under Sections 379 of the IPC.

The prosecution case is that the motorcycle of the
informant was stolen, leading to registration of FIR against
unknown persons. During investigation, the alleged stolen
motorcycle was recovered from possession of co-accused
Sudhir Kumar, who named the petitioner as the person from
whom he took the alleged motorcycle.

It is submitted by learned counsel for the petitioner that the
recovery of alleged motorcycle has not been made from the
conscious physical possession of the petitioner. Though, a
statement has been made in paragraph no.3 of the petition that



the petitioner is not having any criminal antecedent, but subsequent to the name of the petitioner, being sprang up in the present case, the petitioner has been roped in one other case also, being Kudhani (Kurhani) P.S. Case No. 62 of 2018, in which he is on bail, a supplementary affidavit to that effect has been filed.

Learned APP submits that the name of the petitioner sprang up on the confession of co-accused person.

Considering the fact that recovery of the alleged motorcycle has not been made from the conscious physical possession of the petitioner, let the above named petitioner be released on anticipatory bail in the event of arrest/surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned ACJM-III, West Muzaffarpur in connection with Kurhani (Kudhani) P.S. Case No. 20 of 2018, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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