

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7818 of 2020

Arising Out of PS. Case No.-197 Year-2018 Thana- GURARU District- Gaya

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BHUPENDRA KUMAR @ BHUPENDRA YADAV Son of Ram Chandra yadav Resident of Village - Lutua, P.S.- Raushanganj (Bankey Bazar), Dist.- Gaya.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Md. Javed Jafar Khan

For the Opposite Party/s : Mr.Dr. Kumar Uday Pratap

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 17-06-2020 The present petition has been taken up for consideration through the mode of Video Conferencing in view of the prevailing situation on account of COVID-19 Pandemic.

Heard the learned counsel for the petitioner and the learned A.P.P. for the State.

This is an application for grant of anticipatory bail in connection with Guraru PS case no. 197 of 2018 registered for the offences punishable under Section 379 of Indian Penal Code.

The case of the prosecution in brief is that on 14.10.2018, the informant and his younger brother had come to Guraru market on their motorcycle and had gone inside the shop after keeping their motorcycle in front of Anil Singh store for



purchasing certain articles and when they returned back, they found that the motorcycle has been stolen by the unknown persons.

The learned counsel for the petitioner has submitted that the petitioner is innocent, has been falsely implicated in the present case and is having a fair antecedent except one case in which he is an accused. It is further submitted that there is no material on record to connect the petitioner with the alleged crime and the stolen motorcycle has been recovered from the possession of the co-accused Mantu Yadav and the said Mantu Yadav has disclosed the name of other accused persons including the petitioner herein in his confessional statement made before the police, which in any view of the matter has got no evidentiary value.

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

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the fact that the motorcycle has been recovered from the co-accused persons and the petitioner has been roped in the present case merely on suspicion, I deem it fit and appropriate to admit the petitioner to



the privilege of anticipatory bail. Accordingly, the abovenamed petitioner, in the event of his arrest or surrender before the court below within a period of six weeks from the date of receipt/ production of a copy of this order, is directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learnedA.C.J.M., Sherghati, Gaya in connection with Guraru PS case no. 197 of 2018 subject to the conditions as laid down under Section 438(2) of Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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