

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4452 of 2020

Arising Out of PS. Case No.-163 Year-2019 Thana- KHAJAULI District- Madhubani

Lalbir Yadav @ Lalbir Kumar Yadav Son of Bindeshwar Yadav R/o Village-
Mainapatti, P.S.- Babubarhi, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Raj Kumar, Adv. Mr. Ratanakar Jha, Adv.
For the Opposite Party/s	:	Mr. Parmanand Kumar

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 03-03-2020 Heard learned counsels for the petitioner and the State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 379 and 411/34 of the IPC.

The prosecution case, as per the written report of Prem Lal Sah, submitted to the Station House Officer, Khajauli Police Station, is to the effect that on 24.08.2019 at about 7.30 A.M., the informant parked his motorcycle on the side of his agricultural field and went to his agricultural field, in the meantime, three accused persons came on a motorcycle and out of them, two accused took away the motorcycle of the informant, but on chase being made, one accused persons escaped from the scene, however, two accused persons were



caught and two motorcycles were recovered. The apprehended co-accused person disclosed their name as Ram Kumar Yadav and Jaynath Kumar Yadav and also disclosed the name of the petitioner, as the person who escaped from the scene.

It is submitted by learned counsel for the petitioner that the petitioner was not apprehended from the spot and no recovery has been made from the conscious physical possession of the petitioner. The name of the petitioner sprang up on the basis of confession of apprehended co-accused persons. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

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

Considering the fact that the petitioner was not apprehended from the spot and no recovery has been made from the conscious physical possession of the petitioner, coupled with the fact that the petitioner is not having any criminal antecedent, 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,



Madhubani in connection with Khajauli P.S. Case No. 163 of 2019, 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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