

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11846 of 2020

Arising Out of PS. Case No.-507 Year-2019 Thana- MAHUA District- Vaishali

-
-
1. Munna Son of Md. Mahboob Resident of Village - Chakmajahid, P.S.- Mahua, District- Vaishali
 2. Chunna @ Chunnu Son of Md. Mahboob Resident of Village - Chakmajahid, P.S.- Mahua, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Bela Singh, Advocate

For the Opposite Party/s : Mr. Tarun Prasad Mandal, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 23-06-2020 Heard learned counsel for the petitioners and learned counsel for the State through video conferencing.

At the outset it is submitted by learned counsel for the petitioners that during pendency of this application the petitioner no. 2 was arrested and as such she is not pressing the bail application so far as the petitioner no. 2 is concerned.

In such view of the matter, the application for anticipatory bail of the petitioner no. 2 stands rejected.

The petitioner no. 1 has filed the instant application for grant of anticipatory bail apprehending his arrest in connection with Mahua P.S. Case no. 507 of 2019 registered under sections 413 and 414 of the Indian Penal Code.

As per allegation in the FIR, two accused persons namely Vinod Rai and Bharat Kumar were chased and caught by the informant and other police personnel when they made an attempt to escape. They did not produce any paper of the vehicle. On being questioned they named six other accused persons including the petitioner no. 1 herein as being the persons who were involved in the theft and disposal etc, of the motorcycle. It is thereafter stated by the informant that the raid was conducted at the house of different accused persons namely



Rohit Kumar@Kallu, Prince Kumar, Dharmvir Rai etc, and various articles were recovered.

It is submitted by learned counsel for the petitioner no. 1 that the petitioner no. 1 has been falsely implicated in the case. The allegation as levelled in the FIR are not correct. The only material available against him is the statement of a co-accused made before the police. It is submitted that even from the FIR, it would transpire that it neither mentions about any raid on the house of the petitioner nor about any recovery of any incriminating article from the person or possession of the petitioner. The petitioner no. 1 has no criminal antecedent.

The application for bail is opposed by learned Additional PP for the State.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case including the petitioner no. 1 not having any criminal antecedent and there being no recovery of any incriminating article from his possession, the Court is inclined to grant bail to the petitioner no. 1. The petitioner no. 1 is directed to surrender in the Court below within a period of eight weeks from today and in the event of his arrest or surrender in connection with Mahua P.S. Case no. 507 of 2019 he will be enlarged 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 Chief Judicial Magistrate, Vaishali subject to the condition as laid down under section 438(2) of the Cr.P.C.

(Partha Sarthy, J)

Prakash/-

U		T	
---	--	---	--

