

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14650 of 2020

Arising Out of PS. Case No.-242 Year-2019 Thana- JHANJHARPUR District- Madhubani

MANJEET KUWAR Son of Dharmvir Kuwar Resident of Village - Kuar, P.S.
- Jaynagar, District - Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravindra Kumar Singh

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

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

6 06-11-2020 Heard the learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with Jhanjharpur (Arariya Sangam) P.S. Case No. 242 of 2019 for the offence registered under Sections 394 and 411 of the Indian Penal Code.

The case of the prosecution in brief, according to the informant, is that on 21.10.2019 at about 8:00 P.M. he had loaded bananas belonging to a businessman on his pick up van and had left for Muzaffarpur. However, in the night of 21/22.10.2019 at about 1:30 A.M. he had stopped at one Jhilmil Hotel and had eaten food whereafter he had again proceeded with his pick up van towards Muzaffarpur, however, on the way he was overtaken by a car and four persons had then alighted



from the car whereafter they started hitting the vehicle with a stick resulting in breakage of the glass of the vehicle. One of the miscreants is alleged to have hit the informant on his hand by the stick whereafter they had taken the key of the vehicle and had made the informant get down from the vehicle and had then fled away with the vehicle. It is further alleged that the informant had recognized two of the four miscreants since the said miscreants were sitting at Jhilmil Hotel, where the informant had eaten his meal. It is also alleged that the informant had gone back to Jhilmil Hotel and had obtained information from the staff of the hotel regarding the said four persons who were sitting there, whereupon he came to know that one of the said persons is the petitioner herein and the other person's name is Chande Choupal.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case and is having a clean antecedent. It is further submitted that no recovery has been made from the possession of the petitioner and the petitioner is a student, as such he be granted the privilege of anticipatory bail.

Per contra, the learned counsel for the State has vehemently opposed the prayer for bail.



Having heard the learned counsel for the parties and considering their submissions as also having perused the case diary in question, this Court is *prima facie* of the view that minuscule evidence is available in the case diary, as against the petitioner herein and moreover the petitioner is having a clean antecedent and no recovery has been made from the petitioner, as far as the looted articles/vehicle are concerned, hence I deem it fit and proper to admit the petitioner herein to the privilege of anticipatory bail, however, subject to certain conditions.

Accordingly, the petitioner, above named, is directed to be released on anticipatory bail in the event of his arrest/surrender before the court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-I, Madhubani in connection with Jhanjharpur (Arariya Sangram) P.S. Case No. 242 of 2019, G.R. No. 1761 of 2019 subject to the conditions as stipulated under Section 438(2) of the Code of Criminal Procedure.

It is needless to state that the petitioner would mark his attendance before the Officer In-Charge of the concerned



Police Station at 10:00 A.M. on every Monday of the week and in the event of his failure to do so on two consecutive occasion, the present privilege of bail shall stand cancelled automatically and the petitioner shall be taken into custody forthwith.

(Mohit Kumar Shah, J)

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