

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17222 of 2020

Arising Out of PS. Case No.-85 Year-2019 Thana- DIGHALBANK District- Kishanganj

1. ENAMUL @ ENABUL Son of Matiur Rahman Resident of Village - Malmali, P.S.- Kodhobari, District - Kishanganj.
2. Sahanwaj @ Md Sahanwaj Son of Matiur Rahman Resident of Village - Malmali, P.S.- Kodhobari, District - Kishanganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ram Prawesh Kumar
For the Opposite Party/s : Mr.Asha Kumari

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 15-09-2020 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, requiring social distancing.

Heard the learned counsel for the petitioners and the learned APP for the State.

This is an application for grant of anticipatory bail in connection with Dighalbank. P.S. Case No. 85 of 2019 registered for the offence punishable under Sections 379, 414 and 413/34 of the Indian Penal Code.

The allegation is regarding the informant along with other police personnel having



apprehended one motorcycle, which was being ridden by three persons and upon interrogation, it transpired that the motorcycle was stolen one and upon search, one knife, mobile phones and some keys were recovered. It is further alleged that the said apprehended accused persons had disclosed in the confessional statement about the complicity of the petitioners herein.

The learned counsel for the petitioners has submitted that the petitioners are innocent, they have been falsely implicated in the present case and they are having a clean antecedent. It is further submitted that the petitioners have been falsely implicated in the present case merely on suspicion and no incriminating article has been recovered from their house.

Per contra, 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 petitioners and taking into account the fact that the name of the



petitioners have transpired in the present case merely upon the confessional statement made by the apprehended accused persons as also they have been implicated in the present case merely on suspicion, I deem it fit and proper to admit the petitioners to the privilege of anticipatory bail.

Accordingly, the petitioners are directed to be enlarged on anticipatory bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Kishanganj in connection with Dighalbank P. S. Case No. 85 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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