

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26983 of 2020

Arising Out of PS. Case No.-856 Year-2019 Thana- TURKAULIYA District- East
Champaran

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VISHNU JAISWAL S/o Janak Jaiswal @ Janak Sah Resident of Semra Bazar,
P.S. - Turkauliya, Dist. - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sangeet Deokuliar, Adv.
For the Opposite Party/s : Ms Meena Singh, APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 06-11-2020 As of now, the Courts have not resumed normal physical hearing. The matter has been listed today for consideration through Video Conferencing.

Learned counsel are appearing and making submissions from their residence. The Court master and Secretary are also part of this virtual Court proceedings with the aid of audio visual technology.

Ms. Meena Singh, learned APP, is appearing as it is submitted that the brief has been allotted to her by the office of Advocate General. Her name may also be printed in the cause list.

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



Learned counsel for the petitioner is expected to honor his undertaking given in the instant case for depositing the requisite court fee and to remove the defects as pointed out by office when called upon.

Petitioner apprehends his arrest in connection with Turkaulia P.S. Case no. 856 of 2019 instituted for the offence under Sections 413 and 414 of the Indian Penal Code.

The two co-accused persons, namely, Vishwajeet Kumar and Tunna Babu have been apprehended with stolen motorcycle. They have stated that same was to be sold through the petitioner.

It is submitted by the petitioner's counsel that even as per the prosecution case neither the petitioner was present at the place of recovery nor there is recovery of any stolen articles from the petitioner's possession. Merely due to implication of co-accused, namely, Tunna Babu, with whom, the petitioner has some inimical terms since before, he has been roped in the instant prosecution case. The basis of his implication has no evidentiary value. He has no criminal antecedents.

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

Considering the aforesaid facts, prayer of the petitioner for grant of anticipatory bail is allowed. In the event of



surrender/arrest of the petitioner before the court below, named above, within four (04) weeks from today, he shall be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the C.J.M. Motihari (East Champaran), in connection with Turkaulia P.S. Case no. 856 of 2019, subject to the conditions as laid down under Section 438(2) Cr. P.C. subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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