

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.27586 of 2020**

Arising Out of PS. Case No.-919 Year-2018 Thana- BETTIAH CITY District- West
Champaran

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RAKESH MUKHIYA @ RAKESH KUMAR S/o Jhapas Mukhiya R/o
Village- Rani Pakadi, P.S. Bettiah (Muffasil), District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Pandey, Adv.

For the Opposite Party/s: Mr.Ram Anurag Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 27-11-2020 Learned counsel for the petitioner undertakes to remove the defects, if any, within four weeks after start of normal functioning of the Court.

At the outset, Mr. Bimlesh Kumar Pandey, learned counsel for the petitioner has submitted that inadvertently, in paragraph ‘3’ the Section of the I.P.C. under which Bettiah (Town) P.S. Case No.918/2018 has been registered is mentioned as Section 379 I.P.C., whereas the said case has been registered under Section 30(c) of the Bihar Prohibition and Excise Act, 2016.

Learned counsel is permitted to make correction in this regard in paragraph ‘3’.

Heard learned counsel for the petitioner and Mr. Ram Anurag Singh, learned APP for the State.

The petitioner in the present case is seeking pre-arrest bail



in connection with Bettiah (Town) P.S. Case No.919/2018 registered for the offences punishable under Sections 379 and 511 of the Indian Penal Code.

Learned counsel for the petitioner submits that from the First Information Report it will appear that according to the informant he had parked his motorcycle outside the shop in which he had gone for purchase of some household articles. There was huge crowd and when the informant came back to his motorcycle, he found that two boys were fleeing away with his motorcycle. The motorcycle was locked by handle but they had broken the lock. When the informant shouted and caught his motorcycle from behind then with the help of local people he could catch hold of one of the boys but one of them fled away. The apprehended boy is said to have disclosed the name of the petitioner.

Learned counsel submits that the allegation is that of committing attempt to theft. It is his submission that in fact the petitioner was earlier arrested in connection with a case under Section 30(c) of the Bihar Prohibition and Excise Act, 2016, after his arrest in the said case police did not take him on remand in the present case though both the cases are from the same police station. The petitioner got bail in the said case and thereafter now he is apprehending his arrest in the present case. It is submitted that save and except that name of the petitioner has transpired in the statement of the co-accused, no other material is there against him, considering



that the petitioner is hardly aged about 20 years and it is a case of attempt to commit theft the petitioner may be granted privilege of anticipatory bail as he is always ready to cooperate in course of investigation as well as in course of trial.

Learned APP for the State has though opposed the prayer for anticipatory bail of the petitioner, but considering the nature of the allegations and the materials which are being noticed hereinabove, let the petitioner in the event of his arrest or surrender within a period of four weeks from today, be enlarged on bail on furnishing of bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., West Champaran, Bettiah in connection with Bettiah (Town) P.S. Case No.919/2018, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

And further condition that the petitioner would present himself before the I.O. within three weeks from today and shall



cooperate in course of investigation, failing which it will be open for the I.O. to file an application for cancellation of bail.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take steps for cancellation of bail bond of the petitioner.

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'

