

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78060 of 2019

Arising Out of PS. Case No.-288 Year-2019 Thana- PARBATTa District- Khagaria

Milan Kumar, son of Dharendra Yadav, Resident of Village- Chhoti Lagar,
Police Station- Parbatta, District- Khagaria.

.. ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Viveka Nandsingh, Advocate

For the Opposite Party/s : Mr. Mrityunjaya Kr.Gautam, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 17-02-2020 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has filed the instant application for anticipatory bail apprehending his arrest in a case registered for the offence under sections 414 and 420 of the Indian Penal Code.

As per the allegation in the FIR, on a raid being conducted by the police personnel after receiving secret information, a red coloured Hero Glamour motorcycle was recovered from the house of the petitioner.

It is submitted by learned counsel for the petitioner that no recovery as alleged has taken place from his house. He was not apprehended at the spot. No person has filed any case of



theft for the alleged recovered motorcycle. It is further submitted that one of the co-accused Rupesh Kumar in his confessional statement before police has stated that he along with other co-accused had stolen the motorcycle and had sold it to co-accused Mithun Kumar and the petitioner. As such, it is submitted that the allegation of petitioner stealing the motorcycle is incorrect. It is further submitted that the petitioner has no criminal antecedent.

The application for bail has been opposed by learned APP for the State.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case including the fact of the petitioner not being arrested at the spot, the witnesses to the seizure list are only the police personnel and the petitioner has no criminal antecedent, the Court is inclined to enlarge the petitioner on bail. The petitioner, above named, in the event of his arrest or surrender in the Court below within a period of six weeks from today in connection with Parbatta P.S. Case no. 288 of 2019 is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial



Magistrate-I, Khagaria, subject to the conditions as laid down in
section 438(2) of Criminal Procedure Code.

(Partha Sarthy, J)

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