

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85136 of 2019

Arising Out of PS. Case No.-517 Year-2019 Thana- KAHALGAON District- Bhagalpur

GAUTM MANDAL @ GAUTAM KUMAR Son of Arun Mandal Resident of
Village - Lailakh, P.S.- Sabour, District- Bhagalpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Jha
For the Opposite Party/s : Mr.Sanjay Kumar Tiwary

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 22-01-2020 Heard the learned counsel for the petitioner and the
learned APP for the State.

This is an application for grant of anticipatory bail in connection with Kahalgaon (Ghogha) P.S. Case No. 517 of 2019 (GR No. 3554 of 2019), registered for the offence punishable under Sections 420 and 414 of the Indian Penal Code.

The allegation is regarding the police having apprehended the co-accused person, namely, Arvind Kumar while he was trying to flee away on a motorcycle upon seeing the police, however, he is stated to have fallen down and upon interrogation, he disclosed that the motorcycle in question was stolen motorcycle, which he had taken from the petitioner.

The learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case. It



is submitted that though the petitioner is an accused in one other case, but he is on bail in the said case. Lastly, it is submitted that neither the petitioner has been apprehended from the spot nor any recovery of stolen motorcycle has been made from his conscious possession and merely, his name has transpired in the present case upon disclosure made by the co-accused person, namely, Arvind Kumar.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner, coupled with the fact that no recovery of stolen motorcycle has been made from the petitioner and his name has transpired on the confessional statement made by the co-accused person, namely, Arvind Kumar, I deem it fit and proper to admit the petitioner to the privilege of anticipatory bail.

Accordingly, the petitioner is directed to be enlarged on anticipatory bail, in the event of his 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) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhagalpur in connection with Kahalgaon (Ghogha) P.S. Case No. 517 of 2019, subject to the conditions as laid



down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

ajay gupta/-

U		T	
---	--	---	--

