

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.17996 of 2021**

Arising Out of PS. Case No.-186 Year-2020 Thana- BIHPUR District- Bhagalpur

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ABHISHEK KUMAR, Son of Sunil Pd. Thatheri @ Sunil Pd. Gupta,
Resident of Village- Madhurapur, P.S.- Bihpur (Bhawanipur), District-
Bhagalpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Amrendra Kumar, Advocate

For the Opposite Party/s : Mr. Satyendra Prasad, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 14-07-2021 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Satyendra Prasad, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Bihpur (Bhawanipur) P.S. Case No. 186 of 2020 registered for the offence punishable under Sections 413, 414 of the Indian Penal Code.

As per the prosecution story, while the informant got a secret information, he reached along with Police party at Birbana Chowk, they saw a motorcycle on which three boys were coming but on seeing the Police party they tried to flee away but two of them were apprehended and one person fled away. The apprehended



persons disclosed their name as Chandan Kumar and Khantar Kumar Mandal and they disclosed the name of the petitioner as Abhishek Kumar and they also disclosed that Abhishek Kumar had stolen this motorcycle few days back.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. Learned counsel submits that the name of this petitioner has transpired in the confessional statement of the co-accused. It is submitted that no stolen article has been recovered from possession of the petitioner. He is in custody since 09.12.2020.

Mr. Satyendra Prasad, learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein the name of this petitioner has transpired in the confessional statement of the co-accused, however, there is no recovery of any stolen article from the possession of the petitioner, he has remained in custody in connection with the present case since 09.12.2020, he has got two criminal antecedent in which the petitioner is on bail, this Court directs release of the petitioner above named on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-1st, Naugachia, Bhagalpur in connection with Bihpur (Bhawanipur) P.S. Case No. 186 of 2020, subject to the condition as laid down under Section 437 (3) Cr.P.C. as



under :

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such 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 or tamper with the evidence.

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 step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(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'.

