

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39507 of 2020

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Amitabh Kumar @ Surendra Singh @ Dr. Surendra, (aged about 33 years, Male), S/o-Harinarayan Singh, Resident of village-Shitalpatti, P.S.-Chiraiya, District-East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jitendra Kumar, Adv.

For the Opposite Party/s : Mr. Ashok Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 01-06-2021 The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing lockdown on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel for the petitioner and the Ld. A.P.P. for the State, Sri Ashok Kumar.

This is an application for grant of anticipatory bail in connection with Sheohar P.S. Case No. 285 of 2018 registered for the offence punishable under Sections 413 and 414 of the Indian Penal Code.



The allegation is regarding the police having apprehended two accused persons and from them, a stolen motorcycle was recovered and upon inquiry, they had disclosed that they used to sell the stolen motorcycles to the petitioner herein.

The learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in the present case. The learned counsel for the petitioner has further submitted that though the petitioner is an accused in two other cases but he is on bail in the said two cases. The learned counsel for the petitioner has also submitted that there is no material on record to substantiate the allegation leveled against the petitioner and he has been merely roped in the present case on account of the confessional statement made by the co-accused persons.

Per contra, the learned APP for the State, Sri Ashok Kumar, has vehemently opposed the prayer for bail.



Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials available on record as also considering the fact that a superfluous kind of allegations have been leveled against the petitioner i.e regarding him being engaged in purchasing stolen motorcycles, for which there is no proof/evidence, I deem it fit and proper to grant the privilege of anticipatory bail to the petitioner herein, however, considering his past criminal antecedent, this Court deems it fit and proper to impose certain conditions.

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 eight 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,



Sheohar in connection with Sheohar P.S. Case No. 285 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

It is further directed that the petitioner would mark his attendance before the Officer-in-Charge of the concerned police station at 10:00 am on each Monday of the week and in the event of two consecutive defaults, the present privilege of the anticipatory bail, being extended to the petitioner, shall stand revoked automatically and the petitioner would be liable to be taken into custody forthwith.

(Mohit Kumar Shah, J)

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