

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41742 of 2021

Arising Out of PS. Case No.-433 Year-2014 Thana- BHAGALPUR KOTWALI District-
Bhagalpur

=====

MUNNA KUMAR SINGH Son of Jugeshwar Singh Resident of Village -
Sahjadpur Andar Kila, P.S.- Hajipur, Distt.- Vaishali.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Suman Kumar Singh, Advocate
For the Opposite Party/s : Mr.Arun Kumar Singh, APP

=====

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

5 03-08-2022 Heard the learned counsel for the petitioner and

the learned APP appearing for the State.

The present petition is by way of second attempt at the behest of the petitioner, who is apprehending his arrest in connection with Kotwali (Adampur) PS case no. 433 of 2014, registered under Sections 364A/34 of Indian Penal Code, inasmuch as the earlier prayer of the petitioner for grant of Anticipatory bail was rejected vide order dated 18.06.2020, passed in Cr. Misc. no. 7998 of 2020.

The case of the prosecution in brief is that the informant namely Sangita Devi Chaubey was going on a motorcycle along with her husband namely Gunjay Choubey on 08.07.2014 for the purposes of availing treatment from the



doctor, however, on the way some miscreants, riding a motorcycle, had intercepted them, whereafter they had abused and assaulted the husband of the informant and had then taken him on their motorcycle towards the clock tower.

The learned counsel for the petitioner has submitted that the petitioner is innocent, has been falsely implicated in the present case and is having a clean antecedent. The learned counsel for the petitioner has further submitted that apparently, the submission made by the learned counsel for the State on the earlier occasion, when the anticipatory bail petition of the petitioner was rejected, was not correct and it was incorrectly submitted that the petitioner is the owner of the motorcycle used for commission of the alleged crime and charge-sheet has also been filed against him, which would be apparent from the case diary, which demonstrates that the facts are otherwise.

Per contra, the learned APP for the State though has vehemently opposed the prayer for bail but has submitted that there is no material in the case diary to suggest that either any motorcycle has been seized or the petitioner is the owner of the motorcycle which was used in the alleged crime. It is also submitted that no charge-sheet has been filed till date.

I have perused the materials on record as also gone



through the report submitted by the learned Chief Judicial Magistrate, Bhagalpur dated 13.04.2022, from which, it appears that neither the petitioner has been declared absconder nor any proceedings under Section 82 and 83 Cr.P.C. have been initiated against the petitioner nor any information has been given by the Investigating Officer about any seized motorcycle nor charge-sheet/ final form has been filed by the I.O. and moreover, no test identification parade has been held till date so as to connect the petitioner with the alleged crime. In such view of the matter, this Court finds that there is minuscule evidence as against the petitioner of having any sort of complicity in the alleged crime. Thus, this Court deems it fit and appropriate to admit the petitioner to the privilege of anticipatory bail.

Accordingly, the abovenamed petitioner, in the event of his arrest or surrender before the court below within a period of six weeks from the date of receipt/ production of a copy of this order, is directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhagalpur in connection with Kotwali (Adampur) PS case no. 433 of 2014, subject to the conditions as laid down under Section 438(2) of Code of



Criminal Procedure.

In order to ensure co-operation of the petitioner in the ongoing investigation, I deem it appropriate to direct the petitioner herein to appear before the Officer-in-charge of the concerned police station on each and every Monday of the week at 10.00 AM and co-operate with the Investigating Officer and in case of two consecutive defaults in appearing before the said Officer-in-charge, the present privilege of bail being granted to the petitioner herein shall stand cancelled automatically and the petitioner would be taken into custody forthwith.

(Mohit Kumar Shah, J)

rinkee/-

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

