

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35236 of 2021

Arising Out of PS. Case No.-30 Year-2012 Thana- SIKTA District- West Champaran

KUNDAN KUMAR, about 34 Y/M, Son of Late Laxman Sharma, Resident of Village-Prakash Nagar, Ward No.-12, P.S.-Shikarpur, District-West Champaran.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Umesh Chandra Verma, Advocate
For the Opposite Party : Mr. Madan Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 23-05-2022 Heard learned counsel for the petitioner and learned counsel for the State.

Learned counsel for the petitioner is directed to remove the defects, as pointed out by the office, within a period of four weeks.

The petitioner is apprehending his arrest in connection with Sikta P.S. Case No. 30 of 2012 for the offence registered under Sections 457 and 380 of the I.P.C.

The prosecution story, in brief, is that on 17.05.2012 at about 6.00 A.M., the *Motorcycle* of the informant was stolen



away from the *Verandah* of the house of his cousin brother by some unknown thieves.

It has been submitted by learned counsel for the petitioner that the petitioner has falsely been implicated in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner is not named in the F.I.R. The name of the petitioner has transpired in the present case on the basis of confession of co-accused recorded under Section 161 Cr.P.C. before the police. Except for this, there is no substantive evidence to suggest the implication of the petitioner in the present case. There is no recovery of any incriminating article from possession of the petitioner.

On behalf of the State, it is submitted that the petitioner is not named in the F.I.R.

Considering the aforesaid facts and circumstances of the case, let the petitioner above named, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned J.M. Ist Class, Bettiah, West Champaran, in connection with Sikta P.S. Case No. 30 of 2012, subject to the



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

(Sudhir Singh, J)

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