

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36218 of 2021

Arising Out of PS. Case No.-303 Year-2020 Thana- KHIJARSARAI District- Gaya

=====

KAMLESH KUMAR S/o Surendra Prasad R/o village- Beldanbigaha
(Mahmuda), P.S.- Khudaganj, District- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Kumari Sujata Sinha, Advocate

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

=====

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 11-04-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Learned counsel for the petitioner is directed to
remove the defect(s), as pointed out by the Office, within a
period of four weeks.

The petitioner is apprehending his arrest in a case
registered under Sections 379 of Indian Penal Code in which
sections 411/34 IPC was added later on.

The prosecution case, in short, is that the motorcycle
of the informant was stolen by unknown accused persons.

It has been submitted on behalf of the petitioner that
the petitioner has got no criminal antecedent. There is no
allegation of tampering of witnesses alleged against the
petitioner. The petitioner has falsely been implicated in the



present case. No stolen property is said to have been recovered from the possession of the petitioner. The petitioner is not named in the F.I.R. The name of the petitioner has transpired on the basis of confessional statement of the co-accused recorded under Section 161 Cr.P.C. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in the present case. The offences are triable by the Magistrate.

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, let the petitioner, above named, in the event of arrest/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/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.- IV, Gaya in connection with Khizarsarai P.S. Case No. 303 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

Pankaj/-

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

