

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39971 of 2022

Arising Out of PS. Case No.-93 Year-2019 Thana- RISIYAP District- Aurangabad

1. Subhash Kumar @ Subhash Yadav Son of Ramjee Prasad Resident of Village - Amnabad, Post office- Katesar, Police Station- Bihta, District - Patna.
2. Vikash Kumar @ Vikash Yadav Son of Sanjay Kumar Singh Resident of Village - Deokuli, Post office - Musepur, Police Station- Bihta, District - Patna.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranvijay Narain Singh
For the Opposite Party/s : Mr.Shahabuddin Azeem @ S. Azeem

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 02-12-2022 Heard learned counsel for the petitioners and
learned APP for the State.

The instant application for anticipatory bail has been filed by the petitioners apprehending their arrest in connection with Risiup P.S. Case no. 93 of 2019 instituted for the offence under Section 379 of the Indian Penal Code.

The prosecution case is that the informant went to his relative house to take rest at night with motorcycle bearing Registration No. BR-26H-9962 and when he returned he did find his vehicle on the said place. As such an FIR has been lodged against unknown persons regarding theft of said motorcycle.



Learned counsel appearing on behalf of the petitioners has submitted that petitioners are innocent and have committed no offence. They have falsely been made accused in present case on basis of mere suspicion. It is further submitted that the said motorcycle has been recovered from the garage of co-accused namely, Suresh Vishwakarma and Md. Jamiruddin. The name of the petitioner came into light on the basis of confessional statement of apprehended co-accused persons except this no any material found against these petitioners. The petitioners have no concern either with the stolen motorcycle or with the apprehended co-accused persons.

Learned APP appearing for the state has opposed the prayer of anticipatory bail.

Having heard learned counsel for the parties and in the facts and circumstances of the case as stated above, this Court is inclined to enlarge the petitioners on bail. The petitioners are directed to surrender in the Court below within a period of four weeks from today and in the event of their arrest or surrender in connection with Risiup P.S. Case no. 93 of 2019, they will be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial



Magistrate, Aurangabad subject to the conditions as laid down
under section 438(2) of the Cr.P.C.

(Sunil Kumar Panwar, J)

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