

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41569 of 2022**

Arising Out of PS. Case No.-656 Year-2021 Thana- SARAIYA District- Muzaffarpur

KAPIL SAHANI @ KAPIL KUMAR S/o Yogi Sahni R/o village- Bahilwara,
P.S.- Saraiya, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Radha Mohan Singh

For the Opposite Party/s : Mr.Renu Kumari

**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER**

2 07-12-2022 Heard learned counsel for the petitioner and learned
APP for the State.

The instant application for anticipatory bail has been filed by the petitioner apprehending his arrest in connection with Saraiya P.S. Case no. 656 of 2021 instituted for the offence under Sections 414 and 34 of the Indian Penal Code.

As per allegation in the FIR, petitioner is involved in selling of theft motorcycle. On getting secret information, police has apprehended accused Nitish Kumar with motorcycle without valid paper and he disclosed that after paying Rs. 7,000/- he has purchased the same from the petitioner

Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has committed no offence. The alleged motorcycle was recovered from Nitesh



Kumar and not from the petitioner. He has got no criminal antecedent. The name of the petitioner has been disclosed in this case by the co-accused, Nitesh Kumar before the police which has no evidentiary value in the eye of law.

Learned APP appearing for the State has opposed the prayer of 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 petitioner on bail. The petitioner is directed to surrender in the Court below within a period of four weeks from today and in the event of his arrest or surrender in connection with Saraiya P.S. Case no. 656 of 2021, he will be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate IV, Muzaffarpur subject to the conditions as laid down under section 438(2) of the Cr.P.C.

(Sunil Kumar Panwar, J)

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