

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44328 of 2022**

Arising Out of PS. Case No.-16 Year-2022 Thana- MAHINDWARA District- Sitamarhi

MUNNA YADAV @ MUNNA KUMAR SON OF LAXMAN RAY R/O
VILLAGE- KORLAHIYA (CHAK RAMPUR HARI), P.S.-
MAHINDWARA, DISTRICT- SITAMARHI, PIN CODE- 843117 (BIHAR)

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Uday Kumar

For the Opposite Party/s : Mr.Ashok Kumar Singh

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

2 12-12-2022 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 Mahindwara P.S. Case no. 16 of 2022 instituted for the offence under Sections 414, 379, 411 and 34 of the Indian Penal Code.

As per allegation in the FIR, petitioner is indulged in theft of diesel from goods carrier at NH-77. Police has signaled to stop a Scorpio vehicle and on search 80 litres of diesel has been recovered. Three persons were apprehended on spot, who disclosed the name of the petitioner and disclosed that they work at the instance of the petitioner and he give them Rs. 500/- per day.

Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has committed no



offence. He has got no criminal antecedent. Petitioner has no concern with the alleged recovery or with the vehicle in question. The name of the petitioner has been disclosed in this case by the apprehended persons before the police, which has no evidentiary value in the eye of law. Neither the petitioner was arrested nor any incriminating article has been recovered from his possession.

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 Mahindwara P.S. Case no. 16 of 2022, 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 CJM, Sitamarhi subject to the conditions as laid down under section 438(2) of the Cr.P.C.

(Sunil Kumar Panwar, J)

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