

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13024 of 2023

Arising Out of PS. Case No.-124 Year-2021 Thana- SONBERSA District- Sitamarhi

Ravi Shankar Kumar @ Ravi Kumar, aged about 20 years, Male, Son of
Rajendra Das R/v- Mushaharniya P.S.- Sonbarsa, District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Uday Kumar, Advocate

For the Opposite Party/s : Ms. Pushpa Sinha, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 23-05-2023 Heard learned counsel for the petitioner and learned
APP for the State of Bihar.

The petitioner is apprehending his arrest in connection
with Sonbarsa Police Station Case No. 124 of 2021 for the
offence under Section 379 of the Indian Penal Code.

On 29.04.2021, the informant slept after parking his
motorcycle at his door whereafter it has gone missing. He
alleges that he saw the petitioner along with two other persons
at that point of time; and on failure to recover the motorcycle,
has subsequently lodged the FIR accusing the instant petitioner
of theft.

Learned counsel for the petitioner submits that the
FIR itself discloses the accusation based on mere suspicion
without any basis. An occurrence of 29.04.2021 has been



reported by this FIR, lodged about nine days thereafter on 07.05.2021. The implication is based on extraneous consideration due to trivial dispute between the parties who are co-villagers. The petitioner is having no antecedent.

Learned APP for the State opposed the prayer for bail.

Considering the rival submission, nature of allegation, delay in lodging FIR and clean antecedents of the petitioner, this Court inclined to allow petitioner's prayer for grant of anticipatory bail.

Petitioner's prayer for anticipatory bail is allowed.

Accordingly, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of four weeks from today, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned A.C.J.M. 7th, Sitamarhi in connection with Sonbarsa Police Station Case No. 124/2021 subject to the conditions as laid down in Section 438(2) of the Code of Criminal Procedure as also subject to the following conditions:

- (i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the court if there is any change



in the address of the petitioner.
(ii) That the petitioner will be well represented on each date and if they fail to do so on two consecutive dates, their bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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gaurav.s-

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