

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9407 of 2023

Arising Out of PS. Case No.-496 Year-2022 Thana- JOKIHAT District- Araria

TALIB S/O JABIR R/v- Masuriya, Ward No. 11, P.S.- Jokihat (Mahalgaon),
District- Araria

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Gopal Kumar Jha, Advocate

For the Opposite Party/s : Mr.Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 16-05-2023 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner, in the present case, is seeking pre-arrest bail in connection with Jokihat (Mahalgaon) P.S. Case No. 496 of 2022 registered for the offences punishable under Sections 379/411/34 of the Indian Penal Code. He has no criminal antecedent as stated in paragraph '3' of the application.

As per the prosecution story, the informant has alleged that while he had parked his motorcycle in front of his door and had gone to take meal inside his house, when he came outside he found his motorcycle is missing. The informant further alleged that two persons were fleeing away with his motorcycle and on chase, with the help of



villagers, one of them was caught and he disclosed the name of this petitioner.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case. No incriminating article has been recovered from the possession of the petitioner and he has no criminal antecedent.

Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner.

Having regard to the facts and circumstances, the submission that the name of the petitioner has transpired in the confessional statement of the co-accused, the petitioner has otherwise no criminal antecedent, this Court, therefore, directs that in case of their arrest/surrender within a period of four weeks from today, let the petitioner above-named be enlarged on bail on furnishing of bail bond of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Araria in connection with Jokihat (Mahalgaon) P.S. Case No. 496/2022, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.



And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J.)

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