

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16113 of 2023**

Arising Out of PS. Case No.-491 Year-2022 Thana- DARBHANGA SADAR District-
Darbhanga

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LALU YADAV @ AVINASH KUMAR Son of Nandu Yadav Resident of
Village - Mosimpur, P.S.- Sadar, District - Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Girish Chandra Jha, Advocate
For the Opposite Party/s : Mr.Nityanand, APP

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**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER**

2 24-05-2023 Heard the learned counsel for the

petitioner and the learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with Sadar P.S. Case No. 491 of 2022 registered for the offences punishable under Sections 379, 511 and 411 of the Indian Penal Code.

The allegation is regarding the motorcycle of the informant having been stolen on the alleged date and time of occurrence from his house, however, when he woke up and went out of his house, he saw that the villagers had caught one co-accused person, namely, Lalan Kumar Yadav



and upon interrogation the said Lalan Kumar Yadav disclosed that in the night of 13.08.2022, he along with one another person had stolen the motorcycle of the informant and then they had sold the same in a scrap shop.

The learned counsel for the petitioner has submitted that the petitioner is innocent and he has been falsely implicated in the present case. The learned counsel for the petitioner has further submitted that though the petitioner is accused in one another case but he is on bail in the said case. The learned counsel for the petitioner has also submitted that apart from the fact that the name of the petitioner has been disclosed by the co-accused person in his confessional statement, no other evidence is available on record to connect the petitioner with the alleged crime. Lastly, It is submitted that the stolen motorcycle has not been recovered from the scrap shop of the petitioner, hence he is not having any complicity in the matter.

Per contra, the learned A.P.P. for the State



has vehemently opposed the prayer for grant of anticipatory bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the fact that the name of the petitioner has transpired in the present case upon confessional statement made by the co-accused person and, moreover, the stolen motorcycle has not been recovered from the scrap shop of the petitioner, I deem it fit and proper to admit the petitioner herein to the privilege of anticipatory bail.

Accordingly, the petitioner, above named, is directed to be released on anticipatory bail in the event of his arrest/surrender before the court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Darbhanga in connection with Sadar P.S. Case No.



491 of 2022 subject to the conditions as stipulated under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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