

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19328 of 2023

Arising Out of PS. Case No.-373 Year-2022 Thana- RAMNAGAR District- West Champaran

Subhash Yadav @ Subhash Kumar Son Of Prabhu Yadav Resident Of Village
- Gudgudi, P.S. - Gobardhana, Distt. - West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Advocate

For the Opposite Party/s : Ms. Sucheta Yadav, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 13-06-2023 Heard Mr. Bimlesh Kumar Pandey, learned counsel

appearing on behalf of the petitioner and the learned APP for the

State.

The petitioner apprehends his arrest in connection
with Ramnagar P.S. Case No. 373 of 2022 registered for the
offence punishable under Section 379 of the Indian Penal Code.

While the informant was sleeping at his cattle shed
after parking his motorcycle, he found his motorcycle was
stolen by unknown person. Later on, he came to know that his
motorcycle has been stolen by one 'Nippu Yadav'.

It is submitted by the learned counsel for the
petitioner that the petitioner is neither named in the FIR nor any
incriminating material, much less the motorcycle in question,
was recovered from the possession of the petitioner. He further



submits that the name of the petitioner surfaced in the confessional statement of co-accused 'Nippu Yadav' and save and except the confessional statement, there is no material suggesting the complicity of the petitioner in the present crime. He next submitted that prior to the confessional statement of 'Nippu Yadav', the petitioner had never been involved in any such crime and only on account of the exculpatory statement of co-accused 'Nippu Yadav', his name has been implicated in two other cases, including the present one, though in the second case the petitioner has already been allowed the privilege of anticipatory bail by the learned Court below itself. The petitioner undertakes that he will fully co-operate in the investigation and will not indulge in such type of activities in future.

On the other hand, learned APP for the State vehemently opposes the pre-arrest bail application.

Regard being had to the submissions made on behalf of the parties and considering the materials available on record as also the fact that save and except the confessional statement, there is no material nor there is any recovery from the possession of the petitioner, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the



learned Court below within a period of four weeks from today,
on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand)
with two sureties of the like amount each to the satisfaction of
learned Sub Divisional Judicial Magistrate, Bagaha, West
Champaran in connection with Ramnagar P.S. Case No. 373 of
2022, subject to the condition as laid down under Section 438
(2) of the Cr.P.C.

(Harish Kumar, J)

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