

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26161 of 2023

Arising Out of PS. Case No.-202 Year-2021 Thana- PANDAUL District- Madhubani

KANHAIYA RAM S/O SHYAM LAL RAM R/O VILLAGE-
LAKHANPATTI, P.S- MADHUBANI TOWN, DISTT.- MADHUBANI.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Gagan Deo Yadav, Advocate Mr. Ravi Prakash, Advocate Mr. Vinod Kumar, Advocate Mr. Udeshya Kumar Yadav, Advocate Mr. Rajesh Kumar, Advocate
For the Opposite Party/s :	Mr. Amit Kumar Rakesh, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 07-07-2023 Heard the learned counsel for the
petitioner and the learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with Pandaul P.S. Case No. 202 of 2021 registered for the offences punishable under Section 379 of the Indian Penal Code.

The allegation is regarding some unknown miscreants having stolen the motorcycle of the informant on the alleged date and time of occurrence when the informant had parked the same near the house of one Arun Mahaseth and was buying vegetables.



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 three other criminal cases but he is on bail in the said three cases. The learned counsel for the petitioner has also submitted that the name of the petitioner has transpired in the present case on account of the confessional statement made by the co-accused person, namely, Gulab Kumar Ram/Gulab Kumar Yadav, however, neither the stolen motorcycle has been recovered from the house of the petitioner nor there is any material on record to connect the petitioner with the alleged crime, except the confessional statement of the co-accused person which has got no evidentiary value in the eyes of law. Lastly, it is submitted that the petitioner is ready and willing to abide by such conditions as may be deemed fit and proper to be imposed for the purposes of grant of anticipatory bail.



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 on record as also considering the fact that the stolen motorcycle has not been recovered from the house of the petitioner and the petitioner is ready and willing to abide by such conditions as may be deemed fit and proper to be imposed by this Court, I deem it fit and proper to admit the petitioner herein to the privilege of anticipatory bail, however, subject to certain conditions.

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,



Madhubani in connection with Pandaul P.S. Case No. 202 of 2021, subject to the conditions as stipulated under Section 438(2) of the Code of Criminal Procedure.

It is needless to state that the petitioner would mark his attendance before the Officer In-Charge of the concerned Police Station at 10:30 A.M. on every Monday of the week and in the event of his failure to do so on two consecutive occasion, the present privilege of bail shall stand cancelled automatically and the petitioner shall be taken into custody forthwith.

(Mohit Kumar Shah, J)

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