

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25882 of 2023

Arising Out of PS. Case No.-833 Year-2022 Thana- MADHEPURA District- Madhepura

UTTAM KUMAR Son of Laxman Sharma Resident of village-Amarpur,
Police Station-Sonbarsa Kachehri, District-Saharsa

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Syed Masleh Uddin Ashraf, Advocate

For the Opposite Party/s : Mr.Md. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

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

This is an application for grant of anticipatory bail in connection with Madhepura P.S. Case No.833 of 2022, registered for offences under Sections 356 and 379 of the IPC.

The allegation is regarding four unknown miscreants, riding on two motorcycle having snatched a bag of the informant on the alleged date and time of occurrence, containing 3 mobile phones, cash to the tune of Rs.10,000/-, ATM Card, etc., however, while the miscreants were fleeing away, the informant had noted the registration



number of one of the motorcycle and upon enquiry it has transpired that the registration number belongs to the motorcycle of the petitioner.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case and he is having a clean antecedent. The learned counsel for the petitioner has further submitted by referring to the impugned order dated 25.01.2023, that admittedly it has transpired upon investigation that the alleged crime was committed by one co-accused person, namely, Manish Sharma and the motorcycle in question, which belongs to the petitioner is stated to have been used in the alleged occurrence, hence the petitioner has been falsely implicated in the present case.

Per contra, the learned APP for the State has vehemently opposed the prayer for 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 petitioner is having a clean antecedent and moreover the co-accused person, namely, Manish Sharma, who is the brother-in-law of the petitioner has already confessed his crime and the petitioner has been implicated in the present case merely on account of the informant having noted the registration number of one of the motorcycle used in the alleged occurrence, which, upon enquiry, has turned out to be the number of the motorcycle of the petitioner, hence I deem it fit and proper to admit the petitioner to the privilege of anticipatory bail.

Accordingly, the above named petitioner is directed to be enlarged on anticipatory bail, in the event of his arrest or surrender before the court below, within a period of four weeks from the date of receipt/production of a copy of this order, on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial



Magistrate, Madhepura, in connection with
Madhepura P.S. Case No.833 of 2022, subject to
the conditions as laid down under Section 438(2) of
the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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