

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.26602 of 2023**

Arising Out of PS. Case No.-176 Year-2022 Thana- AMAS District- Gaya

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Dipu Kumar @ Deepu Kumar S/O Nanu Mistri @ Nanu Mishra @  
Muneshwar Meshtar @ Muneshwar Mehatar Resident of Village-  
Pachrukhiya, P.S.- Dumariya, District- Gaya, Bihar, 824206

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Shyamal Krishna Sinha, Advocate

For the Opposite Party/s : Mr.Raj Ballabh Singh, APP

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**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 Amas P.S. Case No.176 of 2022, corresponding to Gr. No.814 of 2022, registered for offences under Sections 413/414 of the IPC.

The allegation is regarding the petitioner being involved in sale/purchase of stolen motorcycle.

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 that no stolen motorcycle has been recovered from his house, and moreover, his name has transpired in the present case upon confessional statement made by the co-accused persons before the police, from whom stolen motorcycle has been recovered, which in any view of the matter has got no evidentiary value in the eyes of law.

*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, no stolen motorcycle has been recovered from his house and his name has transpired in the present case upon the confessional statement made by the co-accused persons before the police, which has got no evidentiary value in the eyes of law, 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 Judicial Magistrate, 1<sup>st</sup> Class, Sherghati in connection with Amas P.S. Case No.176 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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