

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30730 of 2023

Arising Out of PS. Case No.-91 Year-2022 Thana- ANDHRATHARHI District- Madhubani

GAURAV KUMAR CHOUDHARY @ GAURAV KUMAR SON OF
RADHA RAMAN CHOUDHARY Resident of Village-Dhakjari, P.S.-
Andhrathadhi, District- Madhubani

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar Pandey, Adv.

For the Opposite Party/s : Mr.Ramesh Chandra, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 14-07-2023 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 Andhrathadhi P.S. Case No.91 of 2022, registered for offences under Sections 379 and 411 of the Indian Penal Code.

The allegation is regarding the informant, having parked his motorcycle, whereupon he had gone to attend the call of nature, on the alleged date and time of occurrence, however in the meantime, his motorcycle was stolen.

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 one, Santosh Thakur, was arrested by the police and in his confessional statement, he has disclosed that the petitioner is one of his accomplice, who had helped him in stealing the motorcycle in question, however it is submitted that any statement made before the police, is not having any evidenciary value, nonetheless, it is submitted that the stolen motorcycle has not been recovered from the house of the petitioner.

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 name of the petitioner has transpired in



the confessional statement of the co-accused person made before the police, which has got no evidenciary value in the eyes of law, apart from the fact that the stolen motorcycle in question has not been recovered from the house of the petitioner, 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 J.M. 1st Class, Jhanjarpur, Madhubani, in connection with Andhrathadhi P.S. Case No.91 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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