

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36611 of 2023

Arising Out of PS. Case No.-197 Year-2022 Thana- SIWAIPATTI District- Muzaffarpur

HIMANSHU KUMAR Son of Pramod Kumar Singh Resident of village -
Haraiya Chhapra, P.S. - Siwaipatti, Distt. - Muzzafarpur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sarandha Suman, Advocate

For the Opposite Party/s : Mr.Gulnar Begum, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

- 2 21-07-2023 1. Heard the learned counsel for the petitioner and the learned A.P.P. for the State.
2. The petitioner apprehends his arrest in connection with Siwaipatti P.S. Case No. 197 of 2022, registered for the offences punishable under Sections 379, 413, 414 and 120(b) of the Indian Penal Code.
3. The allegation is regarding the informant having received secret information that some thieves have assembled in the village in question and were planning to sell stolen motorcycles, whereafter the informant had proceeded to the said place of occurrence and he saw four persons



with two bikes who were trying to flee away upon seeing the police, however, one of miscreant was caught and upon interrogation, he disclosed his name as Aditya Kumar and from him two stolen bikes were recovered, however, the rest of the accused persons managed to flee away. It is further alleged that upon the said apprehended co-accused person being interrogated, he had disclosed about the name of his accomplices including that of the petitioner herein.

4. 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 before being made an accused in the present case the petitioner was having a clean antecedent, however, after lodging of the present case, he has been made an accused in two other cases which have been lodged against unknown miscreants. The learned counsel for the petitioner has also submitted that neither the petitioner has been apprehended from the spot nor any



motorcycle has been recovered from him and he has been merely implicated in the present case on the basis of the confessional statement made by the co-accused persons which has got no evidentiary value in the eyes of law.

5. Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for grant of anticipatory bail.

6. 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 neither the petitioner has been apprehended from the spot nor any stolen motorcycle has been recovered from him, I deem it fit and proper to admit the petitioner herein to the privilege of anticipatory bail.

7. 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 SDJM, East, Muzaffarpur in connection with Siwaipatti P.S. Case No. 197 of 2022, subject to the conditions as stipulated under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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