

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37523 of 2023

Arising Out of PS. Case No.-107 Year-2023 Thana- JAYNAGAR District- Madhubani

SHAMBHU KUMAR YADAV @ SHAMBHU YADAV SON OF
RAVINDRA YADAV RESIDENT OF VILLAGE CHHATAUNI, PS-
BASOPATTI, DIST- MADHUBANI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bhavesh Kumar Sah, Advocate

For the Opposite Party/s : Mr.Ganesh Prasad Singh, 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. This is an application for grant of anticipatory bail in connection with Jaynagar PS case no. 107 of 2023, registered for the offences punishable under Sections 381, 411 of the Indian Penal Code.
3. The allegation is regarding the brother of the petitioner having been employed as a driver of a J.C.B. vehicle, belonging to the informant, who is owner of a brick kiln and on the alleged date and time of occurrence, the brother of the petitioner namely Sanjay Kumar was seen taking out diesel from the said vehicle, whereafter he had loaded the same on the motorcycle in question, however, the people present there had



succeeded in apprehending the aforesaid co-accused person but the petitioner is stated to have fled away.

4. The learned counsel for the petitioner submits that the petitioner is innocent, he has been falsely implicated in the present case and is having a clean antecedent. The learned counsel for the petitioner has further submitted that neither the petitioner has been alleged to have taken out diesel from the J.C.B. vehicle in question nor he has been apprehended from the spot, hence he is having no complicity in the matter.

5. *Per contra*, the learned APP for the State has vehemently opposed the prayer for 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 the petitioner is having a clean antecedent, he is not alleged to have taken out diesel from the J.C.B vehicle and has not been apprehended from the spot, I deem it fit and appropriate to admit the petitioner to the privilege of anticipatory bail.

7. Accordingly, the abovenamed petitioner, in the event of his arrest or surrender before the court below within a period of six weeks from the date of receipt/ production of a



copy of this order, is directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned court of Chief Judicial Magistrate, Madhubani in connection with Jaynagar PS case no. 107 of 2023, subject to the conditions as laid down under Section 438(2) of Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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