

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44400 of 2023

Arising Out of PS. Case No.-86 Year-2020 Thana- GAUNAHA District- West Champaran

1. Rajan Sah Son Of Rajendra Sah Resident Of Village- Manguraha Ps-
Gaunaha, Distt- West Champaran
2. Brajesh Sah Son Of Rajendar Sah Resident Of Village- Manguraha Ps-
Gaunaha, Distt- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anant Kumar Mishra

For the Opposite Party/s : Mr. Braj Kishore Pd.(App)

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 05-10-2023 By order dated 22.08.2023, this application is

dismissed as withdrawn with regard to petitioner no. 1.

2. Hence, this application survives only with regard
to petitioner no. 2.

3. Heard learned counsel for the petitioner and
learned A.P.P. for the State.

4. Learned counsel for the petitioner has filed a
supplementary affidavit with respect to correct the name of the
petitioner no. 2, in the Court.

5. Let it be kept on record.

6. The petitioner apprehend his arrest in a case
registered for the offences punishable under Sections 379 of the



Indian Penal Code.

7. As per the prosecution case, informant alleges that when he was returning to his house by his motorcycle when he reached near Madhopur Bairia and went to attend the nature's call then two unknown thieves came and stole the motorcycle. It is next alleged that the accused persons managed to escape from the place of occurrence along with Rs. 11,000/-, which was there in the dicky of the motorcycle.

8. Learned counsel for the petitioner submits that petitioners is innocent and has been falsely implicated in this case. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. He submits that the petitioner is not named in the F.I.R., complicity of the petitioner has come in the light in the confessional statement of apprehended accused Manish Yadav. Similarly situated co-accused has been enlarged on bail by a co-ordinate bench of this court vide order dated 18.07.2022 passed in Cr. Misc. No. 63861 of 2021. Petitioner has no criminal antecedent as mentioned in para-3 of this application.

9. Learned APP for the State opposes prayer for anticipatory bail.

10. Considering the facts and circumstances of the



case and the fact that the petitioner has no criminal antecedent, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned lower Court where the case is pending/successor Court in connection with Gaunaha P.S. Case No.86 of 2020, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

anand/-

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