

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53670 of 2023

Arising Out of PS. Case No.-95 Year-2021 Thana- RAJEPUR District- East Champaran

Chandan Singh Son Of Rajendra Singh Resident Of Village- Naknema, Ps-
Siwaipatti, Distt- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Kumar, Advocate

For the Opposite Party/s : Mr.Sunil Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

- 2 23-08-2023 1. Heard the learned counsel for the petitioner and learned APP for the State.
2. This is an application for grant of anticipatory bail in connection with Rajepur P.S. Case No.95 of 2021, registered for offences under Sections 379, 413, 414, 120-B/34 of the IPC.
3. The case of the prosecution, in brief, according to the informant, is that on 09.07.2021, at about 2:30 p.m., he received confidential information that stolen motorcycles have been parked at the house of one Arvind Kumar Rai, whereafter he had conducted a raid along with the police force at the house of the said Arvind Kumar Rai, at about 3:20 p.m., whereupon the said Arvind



Kumar Rai was apprehended and two stolen motorcycles were recovered. It is alleged that upon disclosure made by the said Arvind Kumar Rai, one stolen tractor belonging to one Harendra Prasad was also recovered from the house of co-accused person, namely, Harendra Singh.

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 though the petitioner is an accused in three other cases, but he is on bail in the said cases. The learned counsel for the petitioner has also submitted that only on account of his bad antecedent, he has been falsely implicated in the present case, however, neither any loaded countrymade pistol nor any stolen tractor nor any stolen motorcycle has been recovered from the house of the petitioner and in fact, his name has transpired on the confessional statement made by the co-accused person, namely, Arvind Kumar Rai, before the police, which has got no evidentiary



value in the eyes of law. Lastly, it is submitted that similarly situated co-accused persons have already been granted the privilege of anticipatory bail by a co-ordinate Bench of this Court, vide order dated 22.07.2022, passed in Cr. Misc. No.66407 of 2021 and vide order dated 25.08.2022, passed in Cr. Misc. No.7233 of 2022.

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 parity of the case of the petitioner herein with that of the co-accused persons, who have already been granted the privilege of anticipatory bail by a co-ordinate Bench of this Court, I deem it fit and proper to admit the petitioner to the privilege of anticipatory bail.

7. 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, 1st Class, Sadar at Motihari in connection with Rajepur P.S. Case No.95 of 2021, 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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