

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51935 of 2022

Arising Out of PS. Case No.-247 Year-2021 Thana- PAKARIBARAW District- Nawada

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SANJIT KUMAR @ SUJIT KUMAR S/o Bindeshwar Yadav Resident of
Village- Sinduara, P.S.- Pakribarawan, District- Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Hansraj, Advocate

For the Opposite Party/s : Mr.Madan Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 02-02-2023 Heard the learned counsel for the petitioner and

the learned APP for the State.

The petitioner seeks regular bail in connection
with Pakribarawan PS case no. 247 of 2021 instituted for the
offences punishable under Sections 414, 353/34 of the Indian
Penal Code.

The informant along with his police force had
arrived at the alleged place of occurrence on 23.08.2021 at
about 6 0' clock in the evening and from the hut of
Bindeshwar Yadav, they had recovered two motorcycles,
however, later on, when the sons of the said Bindeshwar
Yadav i.e. the petitioner herein and one Rabindra Kumar were
trying to flee away, two keys of the said two motorcycles



were recovered from the pocket of the said two apprehended persons. It is also alleged that the said two motorcycles were stolen ones.

The learned counsel for the petitioner submits that the petitioner is innocent, has been falsely implicated in the present case, he is having a clean antecedent and is languishing in custody since 29.06.2022. The learned counsel for the petitioner has further submitted that the petitioner was one of the petitioner in the anticipatory bail petition bearing Cr. Misc. no. 67447 of 2021 but since he was arrested before the said case could be taken up for hearing, the said anticipatory bail petition *qua* the petitioner herein had stood withdrawn. It is also submitted that the wife of the petitioner namely Sarita Kumari has already been granted the privilege of anticipatory bail. Lastly, it is submitted that one other co-accused person namely Saryug Yadav has also been granted the privilege of anticipatory bail by a co-ordinate Bench of this Court vide order dated 21.11.2022, passed in Cr. Misc. no. 57090 of 2022.

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 wife of the petitioner has already been granted the privilege of anticipatory bail by a co-ordinate Bench of this Court as also one another co-accused person has already been granted the privilege of anticipatory bail by a co-ordinate Bench of this Court apart from the fact that the stolen motorcycles have not been recovered from the petitioner but from the hut belonging to his father, I deem it fit and appropriate to admit the petitioner to the privilege of bail.

Accordingly, the abovenamed petitioner is directed to be released on regular 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 J.M. 1st class, Nawada in connection with Pakribarawan PS case no. 247 of 2021.

(Mohit Kumar Shah, J)

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