

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53617 of 2023

Arising Out of PS. Case No.-161 Year-2023 Thana- KUCHAIKOTE District- Gopalganj

Prabhat Sah @ Prabhat Kumar Sah Son Of Ramashankar Sah Resident Of
Village- Balmi Nanhkar, Nankari, Ps- Kalyanpur, Dist- East Champaran,
Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Indrajeet Bhushan

For the Opposite Party/s : Mr. Anant Kumar 1

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 19-08-2023 Heard the learned counsel for the petitioner and the
State.

2. The petitioner seeks bail, apprehending his arrest,
in connection with Kuchaikote P.S. Case No. 161 of 2023,
registered for the offences punishable under Sections 414/34 of
the Indian Penal Code.

3. As per allegation, on information that one person is
driving a stolen Scorpio, the police stopped a white colour
Scorpio when the driver of the alleged vehicle failed to produce
the paper and admits that the alleged vehicle is stolen one. He
also stated that the alleged vehicle has been given to him by the
petitioner.

4. The learned counsel for the petitioner submits that



the petitioner is innocent and the petitioner has falsely been implicated in this case. He further submits that the petitioner was not present at the time of seizure. The name of the petitioner transpired in the confessional statement of apprehended co-accused on account of previous enmity. It is further submitted that the petitioner has no concern with the alleged vehicle.

5. It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier for anticipatory bail in this case.

6. It has further been stated that the petitioner has no criminal antecedent.

7. However, the learned APP for the State has opposed the prayer for bail.

8. Considering the aforesaid facts and circumstances, the petitioner, above-named, is directed to be released on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Ld. A.C.J.M-I, Gopalganj, in connection with Kuchaikote P.S. Case No. 161 of 2023, subject



to the conditions as laid down under Section 438 (2) Cr.P.C. and on the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedent, the learned court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedent despite his knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioner.

(iii) In case, the petitioner repeats offence of similar nature after enlargement on bail, his bail-bond will be cancelled by the court below.

9. The learned counsel for the petitioner is directed to remove all the defects pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

ramesh/-

U		T	
---	--	---	--



