

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53931 of 2022

Arising Out of PS. Case No.-541 Year-2020 Thana- HARSIDHI District- East Champaran

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YOGENDRA MAHATO Son of Baidnath Mahto Resident of Village -
Ramnagar, P.S.- Harsidhi, District - East Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr.Braj Kishore Pd., APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 13-01-2023 Heard learned counsel for the petitioner and learned

APP for the State through video conferencing in view of the

COVID 19.

The petitioner apprehends his arrest in connection
with Harsidhi P.S. Case No. 541 of 2020 for the offence
registered under Section 379 of the Indian Penal Code.

As per the FIR, the allegation is that the informant
was going on his motorcycle and as he reached near Matiyaria
School, one person met and started talking to him. Soon, one of
his accomplice took away his motorcycle and fled away. The
second motorcycle with which other accused fled away was
having registration no. BR05K-2652 and accordingly, the
informant lodged the FIR.

Learned counsel for the petitioner submits that as per
the FIR, the informant has alleged about his one Discover



Motorcycle etc. with the Registration No. BR05K-2652 whereas he owns Hero Splendor Pro with the same number and thus it is clear that the accused persons used fake number of his motorcycle to take away the motorcycle of the informant. The last submission is that he do not have criminal antecedent and is ready to abide by all the terms and conditions, if granted relief.

Learned APP for the State opposes the prayer for anticipatory bail stating that his motorcycle was used in the crime.

Taking into account the discrepancy in the allegation of the informant vis-a-vis the submission of the learned counsel for the petitioner, he do not have criminal antecedent and will be facing the trial, this Court is inclined to grant him relief subject to conditions that:

(i) the petitioner shall be visiting the concerned police station for next one year every month to make his attendance;

(ii) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

Let the petitioner, in the event of arrest or surrender within a period of four weeks from the date of receipt of the



order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, East Champaran at Motihari in connection with Harsidhi P.S. Case No. 541 of 2020 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Rajiv Roy, J)

Jagdish/Neha/-

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