

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55192 of 2023

Arising Out of PS. Case No.-279 Year-2021 Thana- NARPATGANJ District- Araria

Hemant Kumar @ Hemant Kumar Yadav Son of Shiv Kumar Yadav Resident
of Village-Achra ward no. 6, Police Station-Fulkaha, District-Araria.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Rana, Advocate
For the Opposite Party/s : Mr. Raj Kishor Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 08-09-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

02. In the present case, the petitioner is apprehending his arrest in connection with Narpatganj P.S. Case No. 279 of 2021, registered on 20.06.2021, for the alleged offence under Sections 379 of the Indian Penal Code, later on, charge-sheet has been submitted under Sections 379/411 of the Indian Penal Code.

03. As per prosecution case, the motorcycle of the informant was stolen from the market while he went there to purchase vegetables. Name of the petitioner transpired during investigation as one of the thieves.

04. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this



case. No occurrence as alleged has ever taken place. Recovery of the stolen motorcycle has been made from the house of co-accused Saroj Kumar Yadav. On the basis of confessional statement of the co-accused, the petitioner has been made accused in this case. Except for confessional statement, nothing has come up against the petitioner showing his involvement in this case. The petitioner has got no criminal antecedent.

05. Learned A.P.P. for the State opposes the prayer for anticipatory bail.

06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the lack of material against the petitioner and further considering the possibility of false accusation, let the petitioner, above named, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand Only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate/concerned court, Araria in connection with Narpatganj P.S. Case No. 279 of 2021 subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:



- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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