

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58741 of 2023

Arising Out of PS. Case No.-888 Year-2022 Thana- SAHARSA SADAR District- Saharsa

Pyare Lal Sah @ Lal Kumar Son Of Ram Sah Village- Mareecha Ward No-13, Ps- Supaul, Dist- Supaul

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Mishra, Advocate

For the Opposite Party/s : Mr. Dinesh Singh, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 20-09-2023 Heard learned counsel for the petitioner and learned A.P.P.
for the State.

2. The petitioner apprehends arrest in connection with Saharsa Sadar P.S. Case No. 888 of 2022 dated 05.11.2022 instituted for the offence punishable under Sections 379 of the Indian Penal Code.

3. The prosecution case, in short, is that on 18.10.2022, at about 11.00 pm, the informant after closing his shop of garland, wanted to proceed to his house but then he found that his motorcycle bearing No. BR 19F 2659 has been stolen which was parked at his shop.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. It is further submitted that the First Information Report has been lodged against unknown persons. The name of the petitioner has been



transpired in this case only on the basis of the confessional statement of Lootan Kumar. Nothing incriminating or the said motorcycle has been recovered from the possession of the petitioner. Learned counsel for the petitioner submits that alleged occurrence is said to have occurred on 18.10.2022 but the same has been reported to the local police on 05.11.2022 without any plausible explanation. It is further submitted that during the course of investigation, it has come that Lootan Kumar was arrested in connection with Supaul P.S. Case No. 1030 of 2022, who disclosed the name of the petitioner. Lastly, it has been submitted that petitioner has two criminal cases against him.

5. Learned A.P.P. has opposed the prayer for anticipatory bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner within a period of six weeks from today, in connection with Saharsa Sadar P.S. Case No. 888 of 2022, he shall be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Saharsa subject to condition as laid down under Section 438(2) of the Cr.P.C, as well as the following conditions:-

I. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates



without sufficient reason, his bail bond shall be cancelled by the Court below.

II. One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.

III. The bailor shall also state on affidavit that he will inform the court concerned if the petitioner are made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

IV. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Khatim Reza, J)

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