

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60917 of 2023

Arising Out of PS. Case No.-231 Year-2022 Thana- KISHANPUR District- Supaul

Rupesh Kumar S/O Ramchandra Sutihar R/O Village- Mohi-Patti, Ward No. 7, P.S- Kishanpur, Distt.- Supaul.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kamal Kishore Singh, Advocate

For the Opposite Party/s : Mrs.Asha Kumari, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 11-10-2023 Heard learned counsel for the petitioner and the learned APP for the State.

2. The petitioner is apprehending his arrest in connection with Kishanpur P.S. case No. 231 of 2022 registered for the offence punishable under Section 379 of the Indian Penal Code in which Section 411 IPC was added later on.

3. As per the prosecution case, the informant's motorcycle was parked whereafter it has gone missing leading to lodging of the instant case against unknown persons.

4. The learned counsel for the petitioner submits that the motorcycle has been recovered from co-accused Raja Kumar who has stated about procurement of the same from another co-accused and in this connection, the petitioner's name has also surfaced leading to his implication. There is no recovery of any



incriminating article from the possession of petitioner and he has no antecedent. Mere statement of co-accused in custody is insufficient in the eyes of law.

5. Learned APP for the State has opposed the prayer for pre-arrest bail.

6. Considering the rival submissions, nature of allegation against unknown persons, there being no recovery from the petitioner and his clean antecedent, this Court for the purposes of grant of bail is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for anticipatory bail of the petitioner is allowed.

7. Accordingly, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of four weeks from today, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the Kishanpur P.S. case No. 231 of 2022 in connection with learned Chief Judicial Magistrate, Supaul, subject to the conditions as laid down in Section 438(2) of the Code of Criminal Procedure as also subject to the following conditions:

- (i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is



related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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