

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72479 of 2022

Arising Out of PS. Case No.-126 Year-2021 Thana- CHAKIA District- East Champaran

1. RAKESH KUMAR S/o Jhapas Sahani R/v- Baisaha, P.S.- Chakiya, District- East Champaran
2. SUBHAS KUMAR S/o Jagu Sahani R/v- Baisaha, P.S.- Chakiya, District- East Champaran

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Singh

For the Opposite Party/s : Mr.Ram Sevak Choudhary

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 29-04-2023 Heard learned Counsel for the petitioner and
learned Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail,
arises out of Chakiya Police Station Case No. 126 of 2021,
dated 25.05.2021 disclosing offences under Sections
379/411/413/414/34 of the Indian Penal Code.

The prosecution case, as per the First Information
Report, is that the motorcycle of the informant was allegedly
stolen on 20.05.2021, when he along with his family members
had gone to the house of his relative at Mazahar Village.

During the course of search, the informant met with
the named accused persons who told him to pay Rs. 25,000/- for



the said motorcycle. The police recovered the motorcycle of the informant from the house of the co-accused Sandeep Sahni.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in this case on the basis of the concocted First Information Report lodged by the informant. He further submits that the First Information Report has been lodged after a delay of five days without any plausible explanation, which created doubt on the veracity of the prosecution story. He further submits that no incriminating material and/or stolen motorcycle has been recovered from the possession of the petitioner and the petitioner has got no criminal antecedents.

Regards being had to the submissions advanced on behalf of the parties and taking into consideration the fact that the petitioner has got no criminal antecedents and the stolen motorcycle has not been recovered from his possession, I am inclined to grant the petitioner privilege of anticipatory bail.

This application is, accordingly, allowed.

Let the petitioner, Rakesh Kumar, 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 learned Chief Judicial Magistrate, East Champaran, at Motihari, in connection with Chakiya Police Station Case No. 126 of 2021, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner shall present himself before the police/Court, as the case may be, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bond shall be liable to be cancelled.

(Anil Kumar Sinha, J)

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