

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81332 of 2023

Arising Out of PS. Case No.-278 Year-2023 Thana- CHAPRA TOWN District- Saran

KUNDAN KUMAR RAI SON OF RAMJI RAI RESIDENT OF VILLAGE
KHALPURA, P.S. MUFFASIL, DISTRICT SARAN AT CHAPRA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manjeet Kumar Bishen, Adv.

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

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 21-12-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in Chapra Town
P.S. Case No. 278 of 2023 registered for the offences
punishable under Sections 414, 467, 468, 470, 471, 34 of the
Indian Penal Code.

3. Allegedly, on the basis of secret information, when the
informant along with police personnel arrived at the place of
occurrence, he saw that two boys on two motorcycles are
coming towards them. Seeing the police party, they tried to flee
away but one boy along with his Apache bike was apprehended
and disclosed the name of petitioner as rider of another bike and
it was told that both the bikes, which were already stolen, had
been taken from Ratan Mahto.

4. It is submitted by learned counsel for the petitioner



that petitioner is quite innocent and has committed no offence. No such occurrence as alleged ever took place. He has been falsely implicated in this case due to ulterior motive. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. No incriminating article has been recovered from the conscious physical possession of the petitioner. Petitioner has no concern with the seized motorcycles. He was not apprehended on the spot. There is nothing on record to indicate the complicity of the petitioner barring the confessional statement of the apprehended person which has no evidentiary value in the eye of law. Petitioner has no criminal antecedent as mentioned in para-3 of this application.

5. Learned APP for the State opposed the prayer for bail and submitted that from bare perusal of the FIR, it appears that petitioner along with other accused persons is involved in committing theft of the motorcycles. Hence, he does not deserve the privilege of anticipatory bail.

6. Having regard to the facts and circumstances of the case, I am not inclined to enlarge him on anticipatory bail. The prayer for anticipatory bail of the petitioner is hereby rejected.

7. However, if the petitioner surrenders before the learned



Court below within six weeks from today and seeks regular bail,
the learned Court below shall pass order on the same day in
accordance with law without being prejudiced by this order
considering the fact that petitioner has no criminal antecedent.

(Anjani Kumar Sharan, J)

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