

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4151 of 2024**

Arising Out of PS. Case No.-172 Year-2023 Thana- BETTIAH CITY District- West
Champaran

Amir Yadav Son Of Rampreet Yadav Resident Of Village - Mangalpur
Budhwaliya, P.S. - Nautan, District - West Champaran

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar, Advocate

For the Opposite Party/s : Mr. Md. Nazir Ansari, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 07-02-2024 Heard Mr. Sanjeev Kumar, learned counsel appearing
on behalf of the petitioner and the learned Additional Public
Prosecutor for the State.

2. The petitioner apprehends his arrest in connection
with Bettiah Town P.S. Case No. 172 of 2023, registered for the
offences punishable under Sections 413, 414 and 34 of the
Indian Penal Code.

3. It is alleged that in course of patrolling the police
on a secret information that some persons are standing with
pistol and stolen motorcycle, reached at the place of occurrence
however, noticing the police party, three persons succeeded in
fleeing away on a motorcycle whereas one person was
apprehended with his motorcycle, he disclosed the name of the



petitioner and two others.

4. Learned counsel appearing on behalf of the petitioner submits that save and except the disclosure of co-accused Aamrjeet Kumar that to before the police and, as such hit by section 25 and 26 of the Indian Evidence Act, 1872, there is no material suggesting the complicity of the petitioner. Further more there is neither any FIR or any compliant with regard to theft of the motorcycle which is said to have been stolen by the petitioner and others. He next submits that the petitioner is a man of fair antecedent and he undertakes before this Court that he would fully cooperate in the investigation or in the proceeding of the Court.

5. On the other hand, learned counsel for the State opposed the pre-arrest bail application and submits that the petitioner and other accused persons are involved in theft of motorcycle.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that there is no FIR or complaint showing the motorcycles were stolen property, coupled with the fair antecedent of the petitioner, let the petitioner above named be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the



date of receipt/production of a copy of this order, 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, Bettiah, West Champaran in connection with Bettiah Town, P.S. Case No. 172 of 2023, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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