

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9424 of 2024

Arising Out of PS. Case No.-687 Year-2023 Thana- MOTIHARI MUFASIL District- East
Champaran

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Tuntun Prasad SON OF KISUNDEV PRASAD RESIDENT OF VILLAGE-
GODHWA, PS- MUFFASIL, DISTT- EAST CHAMPARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh, Advocate
For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 22-02-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends arrest in connection with
Motihari Muffasil P.S. Case No. 687 of 2023 dated 25.09.2023,
instituted for the offence punishable under Sections 401, 414,
467, 468, 471, 34 of the Indian Penal Code.

3. The prosecution case, in short, is that the informant
received information that in village Dhekaha, some villagers
have apprehended two persons, who disclosed that they are
moving to steal a motorcycle. Thereafter, the informant along
with police personnel reached there, where he saw that villagers
have apprehended two persons with one motorcycle bearing its
Registration No. BR 05 E 2472 and on query, apprehended



persons disclosed their name as Vikash Kumar and Rahul Kumar and told that they were using the motorcycle by changing its registration number. The apprehended persons disclosed that they along with the petitioner and other co-accused have committed theft of several motorcycles and mobile.

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 petitioner has been made accused in this case only on the basis of confessional statement of co-accused persons namely, Vikash Kumar and Rahul Kumar, who were apprehended at the spot. Learned counsel further submitted that nothing has been recovered from the house of the petitioner. It is further stated that during the course of investigation, no cogent evidence has been collected by the police against the petitioner. Lastly, it has been submitted that the petitioner has no criminal antecedents.

5. Learned A.P.P. has opposed the prayer for 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 Motihari Muffasil P.S. Case No. 687 of 2023, 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 C.J.M. Motihari, East Champaran or Successor Court, Motihari, East Champaran, subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Khatim Reza, J)

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