

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7999 of 2024

Arising Out of PS. Case No.-386 Year-2023 Thana- NAUTAN District- West Champaran

Vikash Kumar S/o Vinod Sahani R/o Vill. - Teluha, P.S. - Nautan, Dist. - West
Champaran (Bettiah)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ramchandra Sahni, Advocate
For the Opposite Party/s : Mr. Rajendra Prasad Nat, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 23-02-2024 Heard Mr. Ramchandra Sahni, learned counsel
appearing on behalf of the petitioner and Mr. Rajendra Prasad
Nat, learned Additional Public Prosecutor for the State.

2. The petitioner apprehends his arrest in connection
with Nautan P.S. Case No. 386 of 2023, registered for the
offences punishable under Sections 401, 413, 414, 467, 468, 471
and 34 of the Indian Penal Code.

3. It is alleged that in course of patrolling, the police
on a secret information, conducted a raid. However, noticing the
police party, the miscreants started fleeing away whereupon two
of the miscreants are said to have been apprehended. The
apprehended persons disclosed the name of the petitioner as
their accomplice. In course of search, some stolen motorcycles



alongwith the master key were recovered.

4. Learned counsel appearing on behalf of the petitioner at the outset submits that on account of inadvertence in paragraph no. 4, he could not mention facts regarding recovery of the motorcycle, though the seizure list depicts that on the disclosure made by the apprehended persons three motorcycles have been recovered. Adverting to the aforementioned facts, he submits that the petitioner is a man of fair antecedent and save and except the disclosure made by the apprehended persons, there is no material suggesting the complicity of the petitioner in the present crime. Moreover, no incriminating material or any stolen motor cycle has been recovered from the whereabouts of the petitioner, apart from the fact that the prosecution has not been able to bring any material showing that the motorcycles were stolen property, rather the accused persons were engaged in a repairing shop from where all the recoveries have been made.

5. On the other hand, learned counsel for the State opposed the pre-arrest bail application and submits that 3 stolen motorcycles and other incriminating materials have been recovered from the apprehended person.

6. Regard being had to the submissions made on



behalf of the parties and considering the fact that the name of the petitioner has transpired on the disclosure made by the apprehended persons and save and except the disclosure there is no material 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 in connection with Nautan P.S. Case No. 386 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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