

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14524 of 2024

Arising Out of PS. Case No.-74 Year-2023 Thana- NARAINPUR District- Bhojpur

Vishal Yadaav @ Anand S/o Anil Kumar, R/o Vill - Mushepur, P.S. - Rahui,
Dist. - Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Virendra Prasad, Advocate

For the Opposite Party/s : Mr. Nityanand, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 12-03-2024 Heard Mr. Virendra Prasad, the learned counsel for
the petitioner and Mr. Nityanand, the learned Additional Public
Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Narayanpur PS Case No. 74 of 2023, FIR dated
28.07.2023, registered for the offence punishable under Section
379 of the Indian Penal Code.

3. According to prosecution case, one Mahindra pick up
van which was parked in front of informant's old house in
Narayanpur was stolen by unknown persons.

4. Learned counsel for the petitioner submits that
petitioner has falsely been implicated in the present case and he is
not named in the FIR and his name has transpired on the basis of
the confessional statement of the co-accused person namely, Golu
Kumar. He further submits that except the confessional statement

of the co-accused person, no other cogent material has come during investigation which suggests that involvement of the petitioner in the present occurrence.

5. The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner and submits that apart from the present case the petitioner is accused in one more case pertaining to Excise Act, but fairly submits that the petitioner is on bail in the pending matter.

6. Considering the aforesaid facts and circumstances and the fact that name of the petitioner has transpired on the basis of the confessional statement of the co-accused person and except the said confessional statement, no other cogent material has come during investigation which suggests his involvement, let the petitioner, above-named, in the event of his arrest or surrender before the learned trial Court, within a period of four weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-VI, Bhojpur, Ara, where the case is pending in connection with **Narayanpur PS Case No. 74 of 2023**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the following conditions:

(i). Petitioner shall co-operate in the trial and shall be

properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the learned trial Court.

(ii). If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(iii). And further condition that the learned trial Court below shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the learned trial Court shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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