

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13042 of 2024

Arising Out of PS. Case No.-95 Year-2021 Thana- RAJEPUR District- East Champaran

Chhotu Singh @ Nishant Kumar S/o Subodh singh R/o vill - Dheluaha, P.S. -
Rajepur, Distt. - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Chandra Bhushan Prasad, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 14-03-2024 1. Heard learned counsel for the petitioner as well as
learned APP for the State.

2. The petitioner seeks bail in anticipation of his
arrest in a case registered for the offences punishable under
Sections 379, 414, 413, 120(B) and 34 of the IPC.

3. The learned counsel for the petitioner submits that
petitioner has antecedent of one case and has been falsely
implicated in the instant case by the informant based on
confessional statement of apprehended accused in police
custody which does not have any evidentiary value. It is further
submitted no doubt allegation is of committing theft of
motorcycle but then petitioner was not present at the place of
occurrence and he came to be implicated based on confessional
statement of the apprehended accused during the course of
investigation. It is also submitted that apart from confession



there is nothing which could even remotely connect the petitioner with offence.

4. The learned APP, Mr. Chandra Bhushan Prasad opposes the anticipatory bail application of the petitioner and submits that it is a case of motorcycle theft and the same has become rampant more so in view of the excise law as stolen motorcycles are being used for carrying illegal illicit liquor. It is also submitted that committing theft of motorcycle is not done by one person but a gang operates, as such if the petitioner is given the privilege of anticipatory bail, in that event the petitioner may tamper with the evidences, on which the learned counsel appearing on behalf of the petitioner submits that petitioner will not abscond rather will cooperate in the investigation.

5. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Motihari, East Champaran in connection with Rajepur P.S. Case



No.95 of 2021, subject to the conditions laid down under Section 438(2) of the Cr.P.C. with further condition that one of the bailor of the petitioner shall be his father, Subodh Singh.

6. However, it is made clear that in the event if the Investigating Officer of the case files an application before the learned trial court bringing to its notice that petitioner despite giving assurance to this Court is not cooperating in the investigation, in that event, the learned trial court shall be at liberty to forthwith cancel the bail bonds of the petitioner and to take all coercive steps to ensure that petitioner is behind bar.

7. It is further made clear that if the police after investigation submits charge sheet connecting the petitioner with the offence, in that event, the present anticipatory bail order shall loose its effect.

8. The application stands allowed.

(Satyavrat Verma, J)

Prakash Narayan

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