

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16477 of 2024

Arising Out of PS. Case No.-228 Year-2023 Thana- WARISNAGAR District- Samastipur

Prabhat Kumar Son of Raj Kumar Mahto Resident of Village- Purnahi, Ward
No.-02, Police Station- Waris Nagar, District- Samastipur (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vivek Vivek, Advocate

For the Opposite Party/s : Mr.Tapeshwar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 14-03-2024 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner apprehends his arrest in connection with Waris Nagar P.S. Case No. 228 of 2023 registered under Sections 414, 420, 467 and 468 of the Indian Penal Code lodged on 01.07.2023 by the informant, Shashi Shankar Kumar.

3. As per the prosecution story, the informant, a police officer alleged that upon secret information that a stolen vehicle is parked by Amit Kumar @ Chhotu on the back side of his house and illegal business is being done by, the place was visited and the vehicle recovered/seized. People assembled and gave the name of the accused persons who had parked the vehicle, the petitioner included.

4. Learned counsel for the petitioner submits that only on the basis of surmises and conjectures, he has been implicated. Admittedly, the recovery/seizure is from the back side of the house of



Amit Kumar @ Chhotu, his name has come in the confessional statement of Manjay Kumar, he has no role to play in the matter and has no criminal antecedent. Further, similarly situated co-accused persons has since been granted anticipatory bail vide order dated 28.11.2023 passed in Cr. Misc. No. 74232 of 2023.

5. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail stating that his name has come in the confessional statement of Manjy Kumar.

6. Taking into account the submissions put forward by the parties as also the fact that he do not have criminal antecedent, his name has come in the confessional statement, recovery/seizure is from the back side of the Amit Kumar @ Chhotu and similar situated co-accused has since been granted anticipatory bail, this Court is inclined to grant him privilege of anticipatory bail.

7. Let the petitioner, in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Samastipur in connection with Waris Nagar P.S. Case No. 228 of 2023, subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her *bona*



fide;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

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