

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21840 of 2024

Arising Out of PS. Case No.-328 Year-2023 Thana- SAHEBGANJ District- Muzaffarpur

1. Munchun Kumar, Son of Bachchan Rai, Resident Of Village- Rup Chhapra Morhar (sarangpur), Ps- Sahebganj, Dist- Muzaffarpur
2. Nikhil Kumar, Son Of Lal Babu Rai, Resident Of Village- Rup Chhapra Morhar (sarangpur), Ps- Sahebganj, Dist- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Upendra Kumar Chaubey, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 04-04-2024 Heard learned counsel for the petitioners and learned
APP for the State.

2. In this present case, the petitioners are apprehending their arrest in connection with Sahebganj P.S. Case No. 328 of 2023, registered for the offences under Sections 413 and 414/34 of the Indian Penal Code.

3. As per prosecution case, during patrolling the police party found three persons riding a motorcycle who tried to flee away from the spot leaving behind their motorcycle. One of the miscreants was apprehended and this co-accused named the petitioners for being involved in dealing with stolen motorcycles.

4. Learned counsel appearing on behalf of the petitioners submits that the petitioners are innocent and have been



falsely implicated in this case. There is no specific allegation against the petitioners. The petitioners have been named in this case on the basis of confessional statement of co-accused Niraj Kumar. Petitioners have no concern with the co-accused. Nothing has been recovered from the person or possession of the petitioners. There is no evidence that the motorcycle seized by the police was stolen. Petitioners are having clean antecedent.

5. Learned APP opposes the prayer for anticipatory bail.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the lack of material to connect the petitioners with the offence alleged and also considering the clean antecedent of the petitioners coupled with possibility of false implication, let the petitioners above named, in the event of their arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Court No.-4, Muzaffarpur/concerned court in connection with Sahebganj P.S. Case No. 328 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

(i) One of the bailors will be a close relative of the



petitioners.

(ii) The petitioners will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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