

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23375 of 2024

Arising Out of PS. Case No.-819 Year-2023 Thana- MUZAFFARPUR SADAR District-
Muzaffarpur

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BITTU KUMAR Son of Rambabu Rai Resident of Village-Barmatpur, P.S.-
Sadar, District-Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Alok Kumar Alok, Advocate
For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 24-04-2024 Heard Mr. Alok Kumar Alok, learned counsel for

the petitioner and Mr. Bhanu Pratap Singh, learned APP for the

State.

2. The petitioner is apprehending his arrest
connection with Sadar P.S. Case No. 819 of 2023, F.I.R. dated
20.08.2023 registered for the offences punishable under
Sections 414/34 of the Indian Penal Code.

3. Prosecution case, in briefs, is that the accused
petitioner along with other co-accused persons were trying to
sell stolen motorcycles and the police party reached at the spot
and on seeing the police force three persons tried to flee away
but two persons were apprehended who told their names as Golu
Kumar and Vikash Kumar and also told the name of the person



who fled away is Bittu Kumar. Two motorcycles were recovered from the spot and the apprehended persons did not show any documents or give any satisfactory answer about this.

4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has been falsely implicated in the present case merely on the basis of disclosure made by co-accused persons namely Golu Kumar and Vikash Kumar. He further submits that except the disclosure made by co-accused persons, no other cogent material has come during investigation to suggest the involvement of the petitioner in the present occurrence and petitioner has no concern at all with the alleged recovery or the other co-accused persons.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioner.

6. Considering the aforesaid facts that the petitioner having clean antecedent and he has no concern with the alleged recovery, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Muzaffarpur in



connection with Sadar P.S. Case No. 819 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions :-

(1) 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 Court below.

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

(3) And, further condition that the 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 court below 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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