

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28038 of 2024

Arising Out of PS. Case No.-61 Year-2023 Thana- BITHAN District- Samastipur

Avdhesh Kumar @ Abdhesh Kumar Son of Chandra Shekhar Mahto Resident
of Vill.-Telni, P.S.-Bithan, Distt.-Smastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Binod Kumar Sinha, Advocate
	:	Mr.Shishir Kumar Shishir, Advocate
For the Opposite Party/s	:	Mr.Anil Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 07-05-2024 Heard Mr.Binod Kumar Sinha, learned counsel for the
petitioner and Mr. Anil Kumar, learned Additional Public
Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Bithan P.S.Case No.61 of 2023, FIR dated
30.05.2023 registered for the offences punishable under
Sections 379, 411 of the Indian Penal Code.

3. The prosecution case, in short, is that on
29.05.2023 the informant alleged that while he was discharging
urin, in the meantime, two persons took his motorcycle
containing Rs.4,000/- in dicky and fled away. On query from
villager, informant learnt that the fleeing person is Bambam
Kumar and one unknown.

4. Learned counsel for the petitioner submits that the



petitioner has clean antecedent and he has falsely been implicated in the present case. Petitioner is not named in the FIR. The name of the petitioner has been transpired during investigation on the basis of the disclosure made by the co-accused person, namely, Bambam Kumar. Further submits that and except the aforesaid, no other material has come during investigation against the petitioner to suggest the involvement of the petitioner in the present occurrence and the petitioner has no concern at all with the alleged recovery or the co-accused person.

5. Learned A.P.P. for the State has vehemently opposed the prayer for anticipatory bail of the petitioner.

6. Considering the aforesaid facts, petitioner has clean antecedent, name of the petitioner has been transpired during investigation on the basis of the disclosure made by the co-accused person and the petitioner is not named in the FIR, 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 (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Rosera, Samastipur in connection



with Bithan P.S.Case No.61 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(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 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/her 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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