

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27134 of 2024

Arising Out of PS. Case No.-172 Year-2023 Thana- BETTIAH CITY District- West
Champaran

Vinod Kumar, son of Prabhu Mahto, Village- Rampurwa Kumarbagh Tola,
PS- Chanpatiya Dist- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sarvesh Kashyap, Adv.
For the Opposite Party/s : Mr. Kalyan Shankar, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 21-06-2024 Heard learned counsel for the petitioner and the
learned Additional Public Prosecutor for the State.

2. The petitioner apprehends his arrest in connection
with Bettiah Town P.S. Case No. 172 of 2023, registered for the
offences punishable under Sections 413 and 414/34 of the
Indian Penal Code.

3. Allegedly, in course of patrolling, the police on a
secret information that some persons are standing with pistol
and stolen motorcycle, raided the place of occurrence. However,
noticing the police party, three persons succeeded in fleeing
away on a motorcycle whereas one person was apprehended
with his motorcycle, who disclosed the name of the petitioner
and two others.



4. Learned counsel appearing on behalf of the petitioner submitted that barring the disclosure of co-accused Aamrjeet Kumar, there is no material suggesting the complicity of the petitioner. That apart, the disclosure made before the police has no evidentiary value and hit by Sections 25 and 26 of the Indian Evidence Act, 1872, is the contention of the learned counsel for the petitioner. Co-accused Amir Yadav against whom there was an identical allegation, has been allowed the privilege of anticipatory bail by this Court in Cr. Misc. No. 4151 of 2024 vide order dated 07.02.2024. It is next contended that though the case of the petitioner is based upon parity but only difference of the case of the petitioner with co-accused Amir Yadav is that the petitioner is carrying one criminal antecedent, though he is already on bail in the said case.

5. On the other hand, learned counsel for the State opposed the pre-arrest bail application.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that there is no FIR or complaint showing the motorcycles were stolen property, coupled with the fact that co-accused person having identical allegation whose name has been transpired on the statement of the apprehended person, has been allowed the privilege of



anticipatory bail, let the petitioner above named be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bettiah, West Champaran in connection with Bettiah Town, P.S. Case No. 172 of 2023, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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