

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31678 of 2024

Arising Out of PS. Case No.-260 Year-2023 Thana- CHOUTARWA District- West
Champaran

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Abhishek Kumar @ Abhishek Ram, S/o- Umesh Ram, Village- Chandraha
Rupwaliya Narayan Sah Ke Tola, Police station -Bathwatiya District- west
Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vashishth Narayan Mishra, Advocate

For the Opposite Party/s : Mr. Ram Naresh Ray, Advocate

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 27-05-2024 Heard Mr. Vashishth Narayan Mishra, learned counsel

appearing on behalf of the petitioner and Mr. Ram Naresh Ray,

learned Additional Public Prosecutor for the State.

2. The petitioner apprehends his arrest in connection
with Chautarwa (Bathwariya) P.S. Case No. 260 of 2023,
registered for the offences punishable under Sections 413, 414,
467, 468, 420 and 34 of the Indian Penal Code.

3. Allegedly the police on a secret information with
regard to theft of stolen motorcycle conducted raid in the house
of Anil Yadav. On the disclosure made by co-accused Anil
Yadav, the police conducted raid in the house of Prince Pandey,
from where a bullet motorcycle bearing registration no.
BR09AC-0140 was recovered. The apprehended co-accused



Anil Yadav also disclosed the name of the petitioner as one of the accomplice.

4. Learned counsel appearing on behalf of the petitioner contended that save and except the disclosure of the name of the petitioner by the co-accused Anil Kumar @ Anil Yadav in presence of the police, there is no material suggesting the complicity of the petitioner; moreover the disclosure made before the police has no evidentiary value. It is next contended that the accused person who were caught by the police, they have been granted bail by the Court below itself. The petitioner bears no criminal antecedent and undertakes that he will fully co-operate in the investigation or in the proceeding of the Court.

5. On the other hand, learned counsel for the State opposed the pre-arrest bail application and submits that the petitioner alongwith other accused person were involved in theft of the motorcycle.

6. Regard being had to the submissions made on behalf of the parties and considering the materials available on record, surfacing the name of the petitioner only on disclosure made by the co-accused and there is no other material; coupled with the fair antecedent, 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 Additional Chief Judicial Magistrate-1st, Bagaha, West Champaran in connection with Chautarwa (Bathwariya) P.S. Case No. 260 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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