

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48309 of 2024

Arising Out of PS. Case No.-632 Year-2023 Thana- MADHEPURA District- Madhepura

1. Rupesh Kumar, Son of Vikash Kumar Yadav, R/o Village- Baijnathpur, Ward 23, P.S. Saurbazar, District.- Saharsa
2. Bhushan Kumar, Son of Nand Khirhar @ Nandan Yadav, R/o Village.- Maina Mahpura, Ward no. 13, P.S.- Maheshi, District.- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Dinesh Prasad Verma, Advocate
		Mr. Vivek Kunwar, Advocate
For the Opposite Party/s	:	Mr. Sanjay Kumar Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 19-08-2024

1. Heard learned counsel for the parties.

2. The petitioners have preferred this application for grant of anticipatory bail apprehending their arrest in connection with Madhepura (Bharrahi) P.S. Case no. 632 of 2023 registered under sections 379 and 420 of the Indian Penal Code to which sections 120B, 411, 413, 414, 467 and 468 of the Indian Penal Code were added.

3. As per the prosecution case, the informant states that while he was going on his tractor, two persons on another vehicle forcibly stopped him and took him along on their vehicle on the pretext that he had caused an accident with his tractor some distance behind. He was asked to wait for the person who had met with an accident with his tractor.



Subsequently, on coming to where he had been forced to abandon his tractor, he found his tractor missing and it was not to be found.

4. Learned counsel for the petitioners submits that the F.I.R. was registered against two unknown. The name of the petitioners transpired in course of investigation when they were falsely implicated in the case when the allegedly stolen tractor of the informant was recovered and for which another case was registered. Besides the statement of the co-accused made before police, there is no other material against these petitioners. No incriminating article has been recovered from the petitioners' possession and he has been enlarged on anticipatory bail in connection with Madhepura P.S. Case no. 589 of 2023. It is further submitted that the so called confessional statement of co-accused Vipin Kumar of having purchased the stolen trailer from the petitioner no.2 is also with respect to Madhepura P.S. Case no. 589 of 2023.

5. The application for anticipatory bail is opposed by learned A.P.P. for the State.

6. Having heard learned counsel for the parties and taking into consideration the nature of allegation against the petitioners in the F.I.R. together with the material that has



transpired in course of investigation as is evident from the order of the learned trial Court, it is directed that both the petitioners, above named, in the event of their arrest or surrender before the learned Court below within a period of four weeks, be released on anticipatory bail in connection with Madhepura (Bharrahi) P.S. Case no. 632 of 2023 on each of them furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, Madhepura.

(Partha Sarthy, J)

avinash/-

U		T	
---	--	---	--

