

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54934 of 2024

Arising Out of PS. Case No.-665 Year-2022 Thana- SAHPUR District- Patna

GUDDU KUMAR SON OF NAWAL RAI R/O- VILLAGE- HETANPUR,
P.S.- SHAHPUR, DISTT.- PATNA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Radha Mohan Singh, Adv. Mr. Sunil Kumar, Adv.
For the Opposite Party/s	:	Mr. Murli Dhar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 28-08-2024 Heard the parties.

2. The petitioner is apprehending his arrest in connection with Shahpur P.S. Case No. 665 of 2022 for the offence under sections 414/34 of the I.P.C. lodged on 28.12.2022 by the informant, Bipin Kumar Singh.

3. As per the prosecution story, the informant alleged that he, while patrolling duty for conducting raid against illegal wine, intercepted a motorcycle, one person managed to escape while the other was taken into custody, namely, Aman Kumar who failed to produce any document of the said motorcycle. He gave the name of the escaped person as Guddu Kumar (the petitioner herein). Accordingly, the FIR.

4. Learned counsel for the petitioner submits that he



has no criminal antecedent, is a law abiding citizen, only because he has been named by Aman Kumar who was made to confess before the police, the motorcycle does not belong to him and further, it is not the case of the police that the motorcycle with which Aman Kumar was arrested was stolen one.

5. Learned APP opposes the prayer submitting that the arrested person named him.

6. Taking into account the submission put forward by the parties as also the petitioner has got no criminal antecedent, his name has come in the confession of Aman Kumar before the police and it is not clear from the FIR where the motorcycle was stolen one or not, this Court is inclined to extend him the privilege of anticipatory bail.

7. Let the petitioner, above named, be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Danapur, Patna in connection with Shahpur P.S. Case No. 665 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as well as the following conditions:-

(i) one of the bailors should be the family



member/relative of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

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