

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52152 of 2024

Arising Out of PS. Case No.-43 Year-2023 Thana- KAMTAUL District- Darbhanga

Bhogendar Kumar Yadav @ Bhogendra Kumar Yadav Son Of Ramashisha Yadav @ Ramashish Yadav Resident Of Village - Kataiya (KHATAIA), Koriya Tol, Police Station - Basopatti, District - Madhubani

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Jha, Advocate
For the Opposite Party/s : Mr. Rajesh Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

2 21-08-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in connection with Kamtaul P.S. Case No. 43 of 2023 instituted under Section 379 of the Indian Penal Code.

3. As per the prosecution case, one motorcycle has been stolen by the unknown person.

4. Learned counsel for the petitioners submits that the petitioner is innocent and has been falsely implicated in this case due to confessional statement of the co-accused Raja Kumar Yadav. He further submits that no incriminating article has been recovered from the conscious possession of the petitioner. Except confessional statement of co-accused, there is



nothing material against the petitioner. Petitioner has one criminal antecedent which belongs to the Excise Act in which he is on bail. He further submits that the alleged occurrence took place on 18.02.2023, however, FIR has been lodged on 12.03.2023 without any plausible explanation. Petitioner undertakes to co-operate in the investigation and the trial.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail.

6. Considering the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount to each to the satisfaction of the learned Court of Judicial Magistrate Ist Class, Darbhanga in connection with Kamtaul P.S. Case No. 43 of 2023, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

(Sunil Dutta Mishra, J)

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