

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59574 of 2024

Arising Out of PS. Case No.-45 Year-2022 Thana- BEERPUR District- Begusarai

Abhishek Kumar, Son of Basist Singh, Resident of Village / Mohalla -
Pachpan Tola, Lakho, P.S.- Muffasil, District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 60393 of 2024

Arising Out of PS. Case No.-45 Year-2022 Thana- BEERPUR District- Begusarai

Saurabh kumar @ Dilkhush kumar, son of Balmiki Singh, Resident of
Village- Lakho, P.S.- Birpur, District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 59574 of 2024)
For the Petitioner/s : Mr. Manoj Kumar Singh, Advocate
For the Opposite Party/s : Mr. Suresh Prasad Singh, APP
(In CRIMINAL MISCELLANEOUS No. 60393 of 2024)
For the Petitioner/s : Mr. Manoj Kumar Singh, Advocate
For the Opposite Party/s : Mr. Anil Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

- 2 06-09-2024 1. As both the criminal miscellaneous petitions have arisen out of same P.S. case, hence they are being taken up and decided together.
2. Heard learned counsel for the petitioners and the learned APPs for the State.
3. The petitioners apprehend their arrest in connection



with Birpur P.S. Case No. 45 of 2022 dated 29.04.2022 registered for the offence(s) punishable under Section(s) 414 of the Indian Penal Code.

4. Learned counsel appearing for the petitioners submits that the instant matter relates to the recovery of two motorcycles which were suspected to be stolen from the possession of co-accused Rahul Kumar and on the basis of the confessional statement made by the apprehended co-accused, both the petitioners have been made accused. In fact, the apprehended co-accused Rahul Kumar, who is neighbour and co-villager of the petitioners, has inimical term with the petitioners owing to that reason he falsely revealed the names of both the petitioners as being involved in the alleged crime in order to harass them. It is further submitted that both the petitioners have fair and clean antecedent and have not remained involved in any criminal activity in the past and they are teenagers.

5. Learned APPs appearing for the State have opposed the bail prayer of the petitioners.

6. Having considered the submissions made above and mainly taking into account the petitioners' young age as well as their fair and clean antecedent, and also, the fact that in



respect of the involvement of the petitioners in the alleged crime, the prosecution is mainly relying upon the statement of the apprehended co-accused given before the police, in my opinion, it is a fit case for anticipatory bail to the petitioners. Accordingly, let the petitioners named-above, in the event of their arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail in connection with Birpur P.S. Case No. 45 of 2022 on furnishing bail bonds of Rs.10,000/-(Ten Thousand) each with two sureties of the like amount each to the satisfaction of the Court concerned, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Shailendra Singh, J)

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