

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64154 of 2024

Arising Out of PS. Case No.-242 Year-2024 Thana- ARARIA District- Araria

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1. Md. Talha @ Abu Talha Son of Md. Khalil Village- Hariya Bara, Ps- Araria (RS), Dist- Araria
 2. Md. Khalid Son of Md. Khalil Village- Hariya Bara, Ps- Araria (RS), Dist- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Kishore Bharti, Advocate
For the Opposite Party/s : Mr. Umanath Mishra, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 23-10-2024 A Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners seek bail in anticipation of his arrest in a case registered for the offences punishable under Sections 413, 414 and 34 of the Indian Penal Code.

3. The learned counsel for the petitioners submits that inadvertently at para 3 it has been recorded that petitioners have antecedent of one case when petitioner no. 1 is person of clean antecedent. It is next submitted that informant alleges that he received secret information that Anwar and Abu who are related reside on rent in the house of Md. Juber and indulged in theft of motorcycle and had kept stolen motorcycle in their rented



premises, accordingly the premise was raided and a stolen motorcycle was seized. Further Anwar and Abu were arrested and Anwar disclosed that the motorcycle was stolen from Araria Shivpuri with the help of Md. Talha, Md. Khalid and Abu. He further disclosed that Md. Talha and Md. Khalid are own brother who indulge in selling stolen motorcycle. Learned counsel submits that the petitioners have been falsely implicated in the instant case based on confessional statement of apprehended accused. It is next submitted that confessional statement in police custody does not have any evidentiary value. It is also submitted that petitioners will not abscond rather will cooperate in the investigation to prove their innocence.

4. Learned A.P.P. opposes the bail application.

5. Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Araria P.S. Case No. 242 of 2024 subject to the conditions laid down under



Section 438(2) of the Cr.P.C.

6. However, if the Investigating Officer of the case files an application before the learned Trial Court bringing to its notice that petitioner despite giving assurance to this Court are not cooperating in the investigation in that event the learned Trial Court shall be at liberty to cancel the bail bond of the petitioner.

7. Let a copy of this order be sent to the concerned police station through the learned Trial Court.

8. The application stands allowed.

(Satyavrat Verma, J)

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