

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64764 of 2024**

Arising Out of PS. Case No.-166 Year-2022 Thana- KATEYA District- Gopalganj

Mantu Kumar @ Mantu Yadav S/O Janardan Yadav R/O Derwa, P.S-
Gopalpur, Distt.- Gopalganj.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Deepankar Raj, Advocate
For the Opposite Party : Mr. Sanjay Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 01-10-2024 Heard Mr. Deepankar Raj, the learned counsel for the

petitioner and Mr. Sanjay Kumar, the learned Additional Public

Prosecutor for the State.

2. The petitioner is apprehending his arrest in

connection with Kateya PS Case No. 166 of 2022, FIR dated

20.04.2022, registered for the offence punishable under Section

414 read with Section 34 of the Indian Penal Code.

3. According to the prosecution case, after receiving

confidential information that motorcycles are being stolen in huge

quantity by Ritik Barnwal and Sachin Kumar, the informant along

with police personnel raided the house of Ritik Barnwal and

Sachin Kumar, however, both of them were absconding. It is

further alleged that after receiving a second confidential

information regarding the aforesaid persons, the police party was

successful in apprehending them.



4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that from perusal of the FIR, it appears that nothing has been recovered from the conscious possession or house of the petitioner, rather the recovery has been made from the co-accused persons namely, Ritik Barnwal and Sachin Kumar Yadav and they have disclosed the name of the petitioner in the present occurrence.

5. The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances and mainly the facts that petitioner has clean antecedent, nothing has been recovered from the conscious possession of the petitioner and petitioner has been made accused in the present case on the basis of disclosure made by apprehended co-accused persons, let the petitioner, above-named, in the event of his arrest or surrender before the learned trial Court, within a period of four weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge-IX, Gopalganj, where the case is pending in connection with **Kateya PS Case No. 166 of 2022**, subject to the conditions as laid down under Section 438(2)



of the Cr.P.C. and also the following conditions:

(i). Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the learned trial Court and shall remain physically present as directed by the learned trial Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the learned trial Court.

(ii). If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(iii). And further condition that the learned trial Court shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the learned trial Court shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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