

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67761 of 2024

Arising Out of PS. Case No.-132 Year-2017 Thana- BEUR District- Patna

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Anand Kumar Son of Shree Ramanuj Yadav Village- Pansuhi, Ps- Dulhin
Bazar, Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bindeshwar Kumar, Advocate

For the Opposite Party/s : Ms. Sangeeta Sharma, Advocate

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CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

2 13-09-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends arrest in connection with
Beur P.S. Case No. 132 of 2017 dated 13.06.2017 instituted for the
offence punishable under Sections 379 of the Indian Penal Code.

3. The prosecution case, in short, is that the motorcycle
of the informant was stolen from outside his house bearing
registration no. BR 01 BW 2214 for which the present F.I.R. has
been lodged against unknown person.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and he has been falsely implicated in this
case. It is further submitted that nothing has been recovered from
the possession of the petitioner or from his house. The stolen
motorcycle has been recovered from the possession of co-accused,



namely, Suraj Kumar on whose confessional statement, the petitioner has been made accused in this case. Similarly situated co-accused, namely, Prakash Kumar @ Parkash Kumar @ Prakash Chandra Upadhyay has been granted bail vide order dated 15.05.2024 passed by this Court in Criminal Miscellaneous No. 29264 of 2024. Lastly, it has been submitted that petitioner has one criminal case against him.

5. On the other hand, learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner within a period of six weeks from today, in connection with Beur P.S. Case No. 132 of 2017, he will be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M VIII, Patna, subject to condition as laid down under Section 438(2) of the Cr.P.C., as well as the following conditions:-

I. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.



II. One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.

III. The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

IV. 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.

(Khatim Reza, J)

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