

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1518 of 2024

Arising Out of PS. Case No.-252 Year-2019 Thana- MANSI District- Khagaria

Rajesh Yadav Son of Kapildeo Yadav Resident of Village- Sri Saraiya, P.S.-
Chautham, District- Khagaria

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar Singh, Advocate

For the Opposite Party/s : Mr. Rajendra Nath Jha, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 31-01-2024 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner in the present case is seeking pre-arrest bail in connection with Mansi P.S. Case No. 252 of 2019 registered for the offences punishable under Section 379 of the Indian Penal Code. He has got one criminal antecedent in which he is on bail.

3. As per the prosecution story, on 09.11.2019 at 5:30 am, the informant had parked his bike outside his house. It is alleged that on the same date in the night his father did not find the bike outside his house and after search, the same could not be traced.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. It is submitted that petitioner is not named in the FIR rather his name has transpired during the investigation in the confessional statement of one Gulshan Kumar in police custody.

5. Learned APP for the State has opposed the prayer for

anticipatory bail of the petitioner.

6. Having regard to the submission that the name of the petitioner has transpired in the confessional statement of co-accused Gulshan Kumar but there is no recovery from the possession of the petitioner, he has got one criminal antecedent but in that he has been granted bail, this Court directs that in case of his arrest or surrender within a period of four weeks from today, the petitioner above named be released on bail in connection with Mansi P.S. Case No. 252 of 2019 on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Khagaria subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. And further condition that the court below 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 court below 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.

8. This application stands allowed.

(Rajeev Ranjan Prasad, J)

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