

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55369 of 2024

Arising Out of PS. Case No.-28 Year-2024 Thana- PURNAHYA District- Sheohar

Uttam Singh @ Uttam Kumar Son of Shyam Chandra Singh Village- Narha,
Ps- Suppi, Dist- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Ranjan, Adv

For the Opposite Party/s : Mr. Jagdhar Prasad, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 17-01-2025 Heard learned counsel appearing on behalf of the

petitioner and learned Additional Public Prosecutor appearing

on behalf of the State.

2. The accused/petitioner is named in the F.I.R.

and apprehended his arrest in connection with Purnahiya P.S.

Case No. 28 of 2024 registered for the offences punishable

under Section 414/34 of the Indian Penal Code.

3. The allegation against the petitioner is to have

in possession of one stolen motorcycle bearing registration

no. BR 01 F 4630.

4. Learned counsel appearing on behalf of the



petitioner submitted that the alleged stolen motorcycle was recovered from the physical possession of co-accused Ram Sharan Sahni and on his disclosure only the petitioner was named in the FIR. It is submitted that save and except suspicion arising out of disclosure of apprehended co-accused nothing appears incriminating against this petitioner. It is further submitted as petitioner found involved in four criminal cases, where he is on bail, out of said suspicion he was named with the present case also. It is submitted that in maximum of cases his name transpired on the basis of disclosure/self-confession as of the present case, otherwise having no evidentiary value under law. In this context, it is further submitted that if the merit of the case is otherwise convincing appears in favour of accused exclusively on the basis of criminal antecedents, right of bail could not be denied as per legal ratio available through **Prabhakar Tewari Vs. State of Uttar Pradesh** reported in [(2020) 11 SCC 648].

5. Learned APP appearing on behalf of the State, while opposing the prayer of anticipatory bail submitted that petitioner found involved in four more criminal cases.



However, he could not dispute the legal and factual submissions as advanced by learned counsel for the petitioner.

6. In view of the facts and circumstances and by taking note of the fact, as save and except suspicion arising out of disclosure as made by apprehended co-accused nothing appears incriminating against this petitioner, accordingly the petitioner above named, in the event of his arrest or surrender before the learned trial court within a period of four weeks, is directed to be released on bail, furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Sub-Divisional Judicial Magistrate, Shivhar/concerned trial court where the case is pending in connection with Purnahiya P.S. Case No. 28 of 2024 subject to the conditions as laid down under Section 438(2) of the Cr.P.C. with further conditions :-

(i) That petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before



the Trial Court itself for the cancellation
of bail bond of the petitioner.

(Chandra Shekhar Jha, J.)

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