

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65740 of 2024

Arising Out of PS. Case No.-457 Year-2023 Thana- CHANPATIA District- West Champaran

Chunu Mian @ Chunu Alam @ Chunnu Mian @ Chunna Alam, Son of
Hadish Mian @ Hadish Alam, Resident of Vill- Chanpatiya Bhola Tola, Ward
No. 6, P.S.- Chanpatiya, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Adv.

For the Opposite Party/s : Mr. Madhura Nand Jha, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 18-01-2025 Heard learned Advocate for the petitioner and the

learned APP for the State.

2. The petitioner apprehends his arrest in connection
with Chanpatiya P.S. Case No. 457 of 2024, registered for the
offences punishable under Sections 413 and 414 of the Indian
Penal Code.

3. The allegation against the petitioner is of involved in
theft of a motorcycle and its disposal.

4. Learned counsel appearing on behalf of the petitioner
contended that save and except the disclosure made by the co-
accused, there is no material suggesting the complicity of the
petitioner in the crime, inasmuch, as neither any incriminating
material has been recovered from the whereabouts of the petitioner
nor during the course of investigation any evidence has been
collected against him. It is further contended that there is no eye

witness to the alleged occurrence showing the involvement of the petitioner for the theft of the motorcycle or even of keeping or concealing the same. The implication of the petitioner of the petitioner in the crime is said to be his criminal antecedents, as has been disclosed in Paragraph No. 3 of the bail application. Referring to Paragraph No. 3, it is further contended that in fact the petitioner has been made accused in altogether sixteen criminal cases. However, they all are based on either confessional statement of co-accused persons or on the basis of the report of spy. However, the petitioner is on bail in all the cases. It is next submitted that the petitioner has been suffering from serious renal ailment and has all along in treatment from 07.07.2023 onwards and finally the petitioner was also admitted for operation in Maa Bhavani Health Care Centre of Dr. Krishna Prasad, but the same could not be done on account of some other complications.

5. On the other hand, learned counsel for the State opposed the bail application and submits that the antecedents of the petitioner in sixteen cases clearly suggest the involvement of the petitioner in identical nature of crime.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that save and except the disclosure made by the co-accused persons and the report of the spy, there is no other material suggesting the complicity of the

petitioner in the crime, coupled with the fact that the petitioner is in need of medical care and treatment, as has been disclosed in Paragraph No. 12. Moreover, more crimianl antecedents of a person cannot be sole ground do deny the anticipatory bail, unless there is other cogent material disclosing his complicity, this Court in extraordinary circumstances allows the anticipatory bail of the petitioner, however, it is made clear that if the petitioner found indulge in identical nature of crime any further, the authorities shall be at liberty to file cancellation of his bail by filing appropriate application, let the petitioner above named be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate-1st Class, Bettiah, West Champaran, in connection with Chanpatiya P.S. Case No. 457 of 2024, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J.)

Jyoti Kumari/-

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