

**(2021) 02 PAT CK 0158**

**Patna High Court**

**Case No:** Criminal Miscellaneous No. 31658 Of 2020

Surendra Kumar@ Surendra  
Yadav

APPELLANT

Vs

State Of Bihar

RESPONDENT

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**Date of Decision:** Feb. 12, 2021

**Acts Referred:**

- Indian Penal Code, 1860 - Section 34, 414
- Code Of Criminal Procedure, 1973 - Section 438(2)

**Hon'ble Judges:** Ahsanuddin Amanullah, J

**Bench:** Single Bench

**Advocate:** Nilendu Kumar Chaudhary, Shantanu Kumar

**Final Decision:** Disposed Of

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### **Judgement**

1. Heard Mr. Nilendu Kumar Chaudhary, learned counsel for the petitioner and Mr. Shantanu Kumar, learned Additional Public Prosecutor

(hereinafter referred to as the "APP"™) for the State.

2. The petitioner apprehends arrest in connection with Rani Talab PS Case No. 246 of 2019 dated 21.10.2019, instituted under Sections 414/34 of the Indian Penal Code.

3. The allegation against the petitioner is that he was one of the four persons who were moving on two motorcycles and on chase the motorcycles

were left behind and the riders ran away except for Krishna Kumar, who was caught and he has taken the name of three other co-accused, including

the petitioner and the motorcycles were found to be stolen and two iron rods were also found at the spot.

4. Learned counsel for the petitioner submitted that only on the basis of such confessional statement before the police his name has been introduced, but he has no other criminal antecedent nor there has been any recovery from his house nor any overt act alleged against him.
5. Learned APP submitted that the person who was caught has taken the name 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 or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the concerned Judicial Magistrate 1st Class, Danapur, Patna in Rani Talab PS Case No. 246 of 2019, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973 and further (i) that one of the bailors shall be a close relative of the petitioner, (ii) that the petitioner and the bailors shall execute bond with regard to good behaviour of the petitioner, and (iii) that the petitioner shall also give an undertaking to the Court that he shall not indulge in any illegal/criminal activity, act in violation of any law/statutory provisions, tamper with the evidence or influence the witnesses. Any violation of the terms and conditions of the bonds or the undertaking shall lead to cancellation of his bail bonds. The petitioner shall cooperate in the case and be present before the Court on each and every date. Failure to cooperate or being absent on two consecutive dates, without sufficient cause, shall also lead to cancellation of his bail bonds.
7. The application stands disposed off in the aforementioned terms.