

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15380 of 2017

Arising Out of PS.Case No. -214 Year- 2016 Thana -SAMASTIPUR MUFFASIL District-
SAMASTIPUR

=====

1. Rajeev Paswan Son of Upendra Paswan, Resident of Village- Dadhiya
Belar, P.S- Muffasil, Distt- Samstipur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bijay Bhushan Prasad, Advocate

For the Opposite Party/s : Smt. Suman Kumari Singh, APP

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 07-04-2017 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending his arrest in Samastipur
Muffasil P.S. case No.214 of 2016 registered under Section 379 of
the Indian Penal Code, pending before the court of A.C.J.M. 5th,
Samastipur.

The prosecution case, in brief, is that on 3.8.2016, a
water motor pump (1 HP) has been theft by unknown thief from
the house of Ramnath Thakur, the elder brother of the informant.

It has been submitted on behalf of the petitioner that
there is no allegation of tampering of witnesses alleged against the
petitioner. The petitioner is not named in the F.I.R. The petitioner
has falsely been implicated in the present case due to enmity with



the co-accused, namely, Ajit Kumar. There is no recovery of any incriminating article from the possession of the petitioner. Stolen pump is said to have been recovered from the possession of the co-accused Ajit Kumar.

On behalf of the State, it is submitted that the petitioner has been made accused in the present case on the basis of the confessional statement of the co-accused, namely, Ajit Kumar.

Considering the aforesaid facts and circumstances, I am not inclined to extend the privilege of anticipatory bail to the petitioner. Prayer for anticipatory bail is rejected.

Anyhow if the petitioner surrenders in the court below within a period of six weeks from today, the same shall be considered on its own merit preferably on the same day without being prejudiced by this order.

(Sudhir Singh, J)

Narendra/-

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