

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24035 of 2018

Arising Out of PS. Case No.-71 Year-2017 Thana- PAHARKATTA District- Kishanganj

Junaid, S/o Late Farjul, R/o Mariya, P.S.- Pharkatta, District- Kishanganj
... Petitioner

Versus

The State of Bihar
... Opposite Party

Appearance :

For the Petitioner : Mr. Diwakar Sinha, Adv.

For the Opposite Party : Mr. Shyam Bihari Singh, APP 173

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 30-04-2018 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner is apprehending his arrest in connection with Pharkatta P.S. Case No. 71 of 2017 for offences punishable under Sections 379, 414 and 34 of the Indian Penal Code.

The prosecution case as per the written report of Jai Shankar Singh, Sub Inspector of Police, Pharkatta Police Station, submitted to the Station House Officer, Pharkatta Police Station is to the effect that on 21.07.2017 at 12.30 A.M. received information that villagers of Damalwari have detained five-six persons travelling in an auto-rickshaw in a suspicious condition. By the time accused persons escaped from the scene, except one who disclosed his name as Md. Tajemul Hussain. The informant reached on the spot. The apprehended accused further disclosed the name of the auto-rickshaw as Abdul Sattar, who brought all accused for committing theft of electric wire.



Some wires were kept near the grave yard of the village.

The learned counsel for the petitioner submits that the thrust of accusation is against apprehended accused Md. Tajemul Hussain and the auto-rickshaw owner, Abdul Sattar. The name of the petitioner sprang up in the statement of apprehended accused. There is no recovery from the possession of the petitioner and the statement has been made in paragraph 3 of the petition that the petitioner has no criminal antecedent. More over, the owner of auto-rickshaw, Abdul Sattar, has been granted anticipatory bail by a coordinate Bench of this Court by order, dated 19.12.2017, passed in Cr. Misc. No. 58286 of 2017.

Learned Additional Public Prosecutor submits that the name of the petitioner sprang up in the confessional statement of the co-accused.

Considering the fact that the name of the petitioner sprang up in the statement of apprehended accused, which led to no recovery from the petitioner, the prayer of the petitioner for grant of anticipatory bail is allowed, in the event of surrender/arrest of the petitioner, named above, before the Court below, within four weeks from today in connection with Pharkatta P.S. Case No. 71 of 2017 shall be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (rupees



ten thousand) with two sureties of the like amount each to the satisfaction of the Additional Chief Judicial Magistrate, Kishanganj, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Dinesh Kumar Singh, J)

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