

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.62100 of 2018

Arising Out of PS. Case No.-5 Year-2018 Thana- BALIGAON District- Vaishali

Nand Kishore @ Nandu, S/o Ajay Kumar @ Hariharnath @ Harihar Pandit,
R/o Village- Digha Fatehpur, P.S.- Baligaon, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Satya Prakash Sinha, Adv.

For the Opposite Party/s : Mr. J. N. Thakur, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 12-12-2018 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner is apprehending arrest in a case registered
for the offence punishable under Section 395 of the Indian Penal
Code.

The prosecution case got initiated on the basis of written
report dated 14.02.2018 submitted by Virendra Kumar to the
Station House Officer, Baligaon Police Station to the effect that
on the same day at about 6.00 P.M., the informant was in his
vehicle along with his driver waiting for passenger at Patna
Junction, in the meantime a person came and offered for going
to Baligaon and was ready to make payment of Rs.1800/- as
fare. Thereafter, the informant and his driver departed for
Baligaon along with that person. At about 10.30 P.M., near
Chinkwara Chauk at Baligaon turn, that person deboarded from



the vehicle. Thereafter, the informant along with his driver departed for Patna, but on the way, six unknown persons riding on three Pulsar bikes, on the point of revolver, robbed the vehicle along with Rs.28,000/- from the informant, leading to registration of FIR against unknown. The name of the petitioner sprang up on the confession of co-accused, Faiyaz and Iftekhar Alam, as a person who was involved in purchase of stolen vehicle.

It is submitted by learned counsel for the petitioner that the petitioner has been roped in in the present case only on the basis of confessional statement of apprehended co-accused, Faiyaz and Iftekhar Alam. The vehicle in question has not been recovered from the possession of the petitioner, rather it has been recovered from the possession of co-accused, Faiyaz. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

It is submitted by learned APP for the State after going through the case diary that the petitioner's name sprang up on the confession of apprehended, co-accused, as a person who used to purchase stolen vehicles. The vehicle in question has not been recovered from the possession of the petitioner.

Considering the aforesaid facts, coupled with



statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned CJM, Vaishali, in connection with Baligaon P.S. Case No.05 of 2018, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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