

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2135 of 2018

Arising Out of PS. Case No.-300 Year-2017 Thana- BARAUNI District- Begusarai

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1. Chhotu Ray @ Aditya Kumar Roy, Son of Amod Ray @ Amod Kumar Ray, Resident of Station Road, Mohalla Bangali Tola Ward No. 25, P.S. Town, District- Samastipur.
 2. Aashu Gupta alias Amit Kumar Gupta @ Ashu Gupta, Son of Bharat Prasad Gupta, Resident of Village Shaikh Toil Ward No. 24, P.S.- Town, District Samastipur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Shankar Das, Adv.
For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 17-01-2018 Heard learned Counsels for the petitioners and learned
APP for the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 379 and 420 of the Indian Penal Code.

Prosecution case as per the written report of Sikandar Yadav dated 18.08.2017 submitted to the Station House Officer of Zero Mile Police Station is to the effect that the informant being the driver of the pickup van bearing registration number WB 77A/6249 was taking brinjal from Khagaria to Jehanabad. At about 10.30 AM, the informant proceeded from Zero Mile



towards Patna, when a Tata Indica vehicle overtook the pickup van and got it stopped. From the Tata Indica vehicle two persons came out and claimed themselves to be police personnel and they further claimed the informant that liquor is being transported through the pickup van. On being denied by the informant, the two persons took away the pickup van, leading to registration of FIR against unknown. Subsequently, during investigation the pickup van was recovered from Birendra Kumar, who is a vegetable seller, who disclosed the name of the petitioner as the person, who came to sell brinjal.

It is submitted by learned Counsel for the petitioner that there is no recovery from the petitioner and only on the basis of confession of co-accused, Birendra Kumar, the petitioner has been roped in the present case. A statement has been made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent.

It is submitted by learned APP for the State that petitioner has been named by co-accused, Birendra Kumar.

Considering the fact that except the confessional statement of the co-accused, Birendra Kumar, no material has been collected against the petitioner, moreover, the impugned order also does not disclose any further material collected against the petitioner coupled with statement made in paragraph no.3 of the petition that



petitioners are not having any criminal antecedent, let the above named petitioners 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) each with two sureties of the like amount each to the satisfaction of the learned CJM, Begusarai, in connection with Barauni (Zero Mile) P.S. Case No. 300 of 2017, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The bail bond of the petitioner shall be accepted by the learned court below on filing of the affidavit to the effect that they will co-operate during investigation. The said affidavit will be transmitted to the concerned I.O. The non-cooperation in the investigation will give liberty to the learned court below to cancel the bail bond of the petitioner.

(Dinesh Kumar Singh, J)

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