

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.37639 of 2018**

Arising Out of PS. Case No.-658 Year-2017 Thana- AGAMKUAN District- Patna

JITEN RAY @ JITAN KUMAR RAI @ JITAN RAY @ JITEN KUMAR  
RAI, Son of Hem Nath Ray, Resident of Village- Diwan Tokw, P.S.- Ganga  
Bridge, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Abhay Kumar, Adv.  
For the Opposite Party/s : Mr. J. N. Thakur, APP

**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH**  
**ORAL ORDER**

2      02-07-2018      Heard learned Counsels for the petitioner and learned APP  
for the State.

The petitioner is apprehending arrest in a case registered  
for the offences punishable under Section 379 of the Indian  
Penal Code.

The prosecution case got initiated on the basis of written  
report dated 15.12.2017 submitted by Navin Kumar to the  
Station House Officer, Agamkuan Police Station, to the effect  
that on 15.12.2017, at 09.00 A.M., the informant went to meet  
one of his relative at Bahadurpur Housing Colony and parked  
his motorcycle in the street in which M.I.G. Flat No.37 is  
situated and after half an hour when he returned, he found that  
his motorcycle is missing, which led to the registration of FIR



against unknown. Subsequently, the motorcycle was recovered from the possession of co-accused, Tuntun and on the confession of co-accused Tuntun and the statement of eye witnesses, the name of the petitioner sprang up.

It is submitted by learned counsel for the petitioner that only on the basis of confession of co-accused, the name of petitioner has been dragged in the present case. Admittedly, recovery has not been made from the petitioner. 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 Mr. J. N. Thakur learned APP for the State that the petitioner has been named by the co-accused.

Considering the fact that the recovery has not been made from the petitioner, 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 ACJM, Patna City, in connection with Agamkuan P.S. Case No.658 of 2017, subject to the conditions



as laid down under Section 438(2) of the Cr.P.C.

**(Dinesh Kumar Singh, J)**

Ashwini/-

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