

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.68076 of 2018

Arising Out of PS. Case No.-157 Year-2018 Thana- KORHA District- Katihar

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1. Pawan Kumar Yadav, S/o- Shiv Pujan Yadav, R/o- Pirpainti, Kujibanna, P.S.- Pirpainti, District- Bhagalpur.
 2. Hiralal Yadav, S/o- Parmeshwar Yadav, R/o- Tintenga, Jhalludar Tola, P.S. Rangra, District- Bhagalpur.
 3. Vijay Kumar, S/o- Abhinandan Yadav, R/o- Latra, P.S. Gopalpur, District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Singh
For the Opposite Party/s : Mr. Ram Bachan Singh

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 19-12-2018 Heard learned counsels for the petitioners and the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 379/34 of the IPC.

The prosecution case, as per the written report of Pankaj Yadav, dated 08.05.2018 submitted to the Station House Officer, Korha Police Station, is to the effect that the informant is the cleaner of a truck. On 07.05.2018, the informant and the driver of the truck, namely, Rekha Lal Yadav parked the truck near Kursela Road. Thereafter the driver went home and the informant was alone in the truck. At about 12 AM, the informant went to ease out, when he came to know that somebody is



taking away the truck in question, leading to registration of the present FIR against unknown. Name of the petitioners sprang up on the confession of co-cleaner of the alleged truck, namely Nitish Yadav, who has stated that in conspiracy with these petitioners, truck in question was taken away. The impugned order reflects that during investigation, the Call Detail Report (CDR) was obtained, which suggests that the petitioner was in regular touch with co-accused Nitish Yadav. A statement has been made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent.

Learned APP submits that the name of the petitioners sprang up on the confession of co-accused.

Considering the fact that the impugned order suggests that investigation has not concluded, coupled with the statement made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent, let the above named petitioner be released on anticipatory bail till conclusion of investigation in the event of arrest/surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Katihar in connection with Korha P.S.



Case No. 157 of 2017, subject to the condition as laid down
under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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