

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14787 of 2019

Arising Out of PS. Case No.-278 Year-2018 Thana- RAMGARHWA District- East
Champaran

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Gobardhan Mahto, Son of Late Ranjan Mahto, Resident of Village –
Madhopur Madhumalat, P.S.- Turkauliya, District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rakesh Kumar No.1
For the Opposite Party/s : Mr. Sanjay Kumar Sharma

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 11-04-2019 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 Sections 414, 420, 120(b) and
406/34 of the Indian Penal Code.

The prosecution case as per the self statement of S.I.,
Rajesh Kumar, S.H.O., Ramgarhwa Police Station on
21.11.2018 at 2.40 P.M., is to the effect that during patrolling,
they saw a car in front of State Bank of India, Ramgarhwa from
which six persons got down and on suspicion search was made
of the car and three bundles of currency with currency of five
hundred on the top of each bundle were recovered, consequently
six accused were apprehended. It is further alleged that on



enquiry, the apprehended accused persons confessed that they used to cheat the people and they further disclosed the name of the petitioner and said that the car belongs to the petitioner.

It is submitted by learned counsel for the petitioner that admittedly it is not in dispute that the petitioner was not found travelling in the vehicle in question at the time of seizure and the name of the petitioner sprang up on the confessional statement of apprehended co-accused persons and apart from that no cogent material has been collected against the petitioner and no recovery has been made from the possession of the petitioner. A statement has been made in paragraph no. 3 of the petition that the petitioner is accused in two other cases in which, he is on bail.

It is submitted by learned APP for the State that the petitioner is the owner of the vehicle in question, from which recovery was made, however he further submits that the petitioner was not travelling the vehicle in question.

Considering the fact that material on records does not suggest that recovery has been made from the conscious physical possession of the petitioner and he was not found travelling in the vehicle in question, 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 **SDJM, Raxaul at East Champaran** in connection with **Ramgarhwa P.S. Case No.278 of 2018**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

Deepak/Rahul/-

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