

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21672 of 2019

Arising Out of PS. Case No.-130 Year-2018 Thana- RASULPUR District- Saran

Rajiv Kumar Singh @rajiv Singh Son of Akhileshwar Singh Resident of
Village - Chenful , P.s.- Manjhi, Distt.- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anuj Kumar

For the Opposite Party/s : Mr.Asha Kumari

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 08-04-2019 Heard learned counsels for the petitioner and the
State.

The petitioner is apprehending arrest in a case registered for the offence punishable under Section 379 of the IPC.

The prosecution case, as per the written report of Prabhat Kumar Pandey, dated 18.10.2018, submitted to the Station House Officer, Rasulpur Police Station, is to the effect that on 17.10.2018 at about 6.45 P.M., the informant parked his motorcycle near Ganesh Market, situated at Rasulpur, but after about half an hour, he found his motorcycle missing, leading to registration of FIR against unknown persons. Subsequently, co-



accused Vivek Kumar Singh was arrested with stolen motorcycle of the informant. The apprehended co-accused person suggested the name of the petitioner as his accomplice.

It is submitted by learned counsel for the petitioner that even assuming the accusation to be true, as no recovery has been made from the conscious physical possession of the petitioner, hence, no case against the petitioner is made out and only on the basis of suspicion, the petitioner has been roped in the present case. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP submits that name of the petitioner sprang up on the confession of apprehended co-accused person.

Considering the fact that prosecution case does not suggest that recovery has been made from the conscious physical possession of the petitioner, coupled with the 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/surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the



satisfaction of learned ACJM-X, Saran at Chapra in connection with Rasulpur P.S. Case No. 130 of 2018, 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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