

IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr. Misc. No. 21365 of 2020

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Pankaj Kumar @ Pankaj Kr. Mishra @ Pankaj Kumar Mishra, son of
Dineshwar Mishra, resident of village-Mashrak Western Tola, P.S.-Mashrak,
District-Saran.

... .. Petitioner

Versus

The State of Bihar

.. ... Opposite Party

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Appearance :

For the Petitioner : Mr. Bishwajeet Singh, Advocate
Mr. Kundan Kumar Singh, Advocate
For the Respondent State: Smt. Asha Devi, APP

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 23-07-2020 Heard Mr. Bishwajeet Singh, learned counsel

appearing on behalf of the petitioner and Smt. Asha Devi,

learned Additional Public Prosecutor, for the State of Bihar.

This application for grant of anticipatory bail arises
out of Mashrak P.S. Case No. 342 of 2017 registered for the
offence punishable under Section 413 and 414 of the Indian
Penal Code.

From the First Information Report, it appears that one
Mantu Kumar Singh was arrested by the police on the basis of
secret information with a stolen motorcycle. On the basis of his
confessional statement, the police could recover other stolen
motorcycles also. In his statement before the police, said Mantu
Kumar Singh is said to have disclosed the names of other



persons, who were involved in committing theft of motorbikes. The petitioner's name emerged in course of investigation as one of the persons involved in organised crime of theft of motorbikes.

Learned counsel appearing on behalf of the petitioner has submitted that except for the confessional statement of the co-accused persons, there is absolutely no material against him nor any article has been recovered from his possession to justify his implication in this case.

Be that as it may, considering the circumstance that on the basis of confessional statement of co-accused, recoveries have been made and the petitioner's name has emerged as a member of a gang involved in commission of similar offence, I am not inclined to grant him privilege of anticipatory bail.

This application is accordingly rejected.

The petitioner is directed to surrender before the Court below within a period of eight weeks from today and seek regular bail, if so advised. If he does so, his application for regular bail shall be considered by the learned Court below on its own merit without being prejudiced by rejection of present application for grant of anticipatory bail.

It is indicated that defect, if any, shall be removed within two months.



Since there is a lock down, the Court has considered it appropriate to adopt following procedure for communication of the present order :-

(i) The order, which has been dictated during the course of the proceedings of virtual Court, shall be communicated to me on my e-mail I.D. by the Secretary.

(ii) The corrected copy of the order shall be transmitted by me from my e-mail I.D. to the Secretary, which shall be treated to be the authentic copy of the order passed by this Court today in the present proceeding.

(iii) Hard copy of the order, duly signed by me, shall be preserved in my residential-office for documentation and future use, if any.

(iv) Let a copy of the order be communicated to the learned Court below through e-mail or any other appropriate electronic mode by the Registry.

Let steps be taken by the Registry for uploading of the present order without compromising with the norms of social distancing.

(Chakradhari Sharan Singh, J)

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