

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4533 of 2020

Arising Out of PS. Case No.-166 Year-2016 Thana- MASAUDHI District- Patna

VIVEK KUMAR Son of Udesb Mistri Resident of Lahsuna, P.O.- Lahsuna,
P.S.- Masaurhi, District - Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Kumar Mishra, Adv.
For the Opposite Party/s : Mr. Manoj Kumar, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 29-02-2020 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner is apprehending arrest in a case registered
for the offence punishable under Section 414 of the Indian Penal
Code.

The prosecution case as per the written report of Manjar
Imam, A.S.I. of Police, submitted to the S.H.O., Masaurhi
Police Station is to the effect that on 26.04.2016, after having
received a secret information that a stolen motorcycle has been
kept in the house of one Devendra Kumar Singh, a raid was laid.
On seeing the police party, a boy tried to escape from the scene,
but on chase being made, he was apprehended by the police.
The apprehended co-accused disclosed his name as Ravi Ranjan
Kumar and further stated that he used to reside at his maternal-
grand-father's house namely, Devendra Kumar Singh.



Subsequently, the house of Devendra Kumar Singh was raided and from where, one stolen motorcycle was recovered. The apprehended co-accused confessed his guilt before the police and suggested the name of the other accused persons, including the petitioner.

It is submitted by learned counsel for the petitioner that only on the basis of confessional statement of apprehended co-accused, the petitioner has been framed in the present case and except the confession of co-accused, no cogent material has been collected against the petitioner during investigation. It is further submitted that no recovery has been made from the conscious physical possession of the petitioner and 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 learned APP for the State that the name of the petitioner transpired on the basis of confessional statement of apprehended co-accused.

Considering the fact that the name of the petitioner transpired in the present case only on the basis of confessional statement of co-accused and except confessional statement of co-accused, no material has been collected against the petitioner during investigation, 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 SDJM, Masaurhi, Patna, in connection with Masaurhi P.S. Case No.166 of 2016, 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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