

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35361 of 2020

Arising Out of PS. Case No.-73 Year-2020 Thana- BARACHATTI District- Gaya

DANISH KHAN, aged about 33 years, male, Son of Md. Nasim Khan,
Resident of Village - Bhadeya, Azimabad, P.S.- Barachatti, Distt.- Gaya.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Javed Jafar Khan

For the Opposite Party/s : Mr. APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 19-03-2021 Heard both sides.

The petitioner apprehends his arrest in Barachatti P.S.
Case No.73 of 2020, registered under Sections 379 and 411 of
the Indian Penal Code.

The informant lodged the case against four persons,
namely, Rohit Kumar, Aman Kumar, Bipin Kumar and Dilip
Kumar for theft of battery. During the course of search, the
informant found the four named persons carrying battery, but
seeing the petitioner, they all fled away. The petitioner is not
named in the FIR. During the course of investigation, Rohit
Kumar is said to have confessed his guilt and disclosed that he
used to sell battery in the scrap shop of the petitioner.

Learned counsel for the petitioner submits that
nothing has been recovered from possession of the petitioner.



On mere confessional statement, the petitioner has been made accused in the case. The petitioner has got no criminal antecedent.

Taking into consideration the facts that name of the petitioner surfaced in the case in the confessional statement, but no stolen article was recovered from possession of the petitioner, petitioner, above named, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt of the order, be enlarged on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned ACJM, Sherghati, District Gaya in connection with Barachatti P.S. Case No.73 of 2020, subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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