

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1005 of 2021

Arising Out of PS. Case No.-646 Year-2020 Thana- FORBESGANJ District- Araria

JITENDRA PANDEY Son of Late Yogeshwar Pandey Resident of Village -
Hospital Road, P.S.- Forbesganj, Distt.- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar, Advocate.

For the Opposite Party/s : Mr. H.A. Khan, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 08-04-2021 Heard learned counsel for the petitioner and learned
A.P.P. for the State through virtual court proceeding.

Learned counsel for the petitioner undertakes to remove the defects within four weeks of resumption of normal court proceeding. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

The petitioner seeks bail in connection with Forbesganj P.S. Case No. 646 of 2020 registered for the offence punishable under Sections 412, 413 and 414 of the Indian Penal Code.

As per the prosecution case, While the informant was attending the crime meeting with the Superintendent of Police, he received information from him that from Mahalgaon one Scorpio is coming in which four to five miscreants are sitting



and they are said to have looted another Scorpio. For verification of this information, when the informant reached at the four lane he found two Scorpio lying inside the road. On the basis of paper found from the Scorpio he raided the house of the petitioner wherefrom two other co-accused are said to have apprehended. Petitioner is said to be kingpin of the gang.

It is submitted by learned counsel for the petitioner that petitioner has falsely been implicated in this case and has not committed any offence as alleged in the FIR. He submits that the from bare perusal of the FIR itself it is evident that the petitioner was not found at the place of occurrence. No incriminating article has been recovered from his conscious physical possession. He submits that petitioner has not been put on T.I. parade till date and the charge sheet submitted. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. The petitioner has no criminal antecedent as has been mentioned in para 3 of the bail application and has been languishing in custody since 10.08.2020.

There is nothing in the record indicating the complicity of the petitioner in the occurrence barring the confessional statement of accused persons which has not evidentiary value in



the eye of law.

Learned APP for the State opposed the bail petition.

Considering the facts aforesaid, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending in connection with Forbesganj P.S. Case No. 646 of 2020.

(Anjani Kumar Sharan, J)

GAURAV S./-

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