

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10758 of 2021

Arising Out of PS. Case No.-191 Year-2020 Thana- KAMTAUL District- Darbhanga

RAJESH KUMAR @ RAJENDRA PASWAN SON OF LATE YOGENDRA
PASWAN RESIDENT OF VILLAGE- JAGWAN, P.S-BISFI(PATONA O.P),
DISTRICT- MADHUBANI

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar Jha

For the Opposite Party/s : Mr. APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 21-12-2021 Heard the learned counsel for the petitioner and

the learned APP for the State.

The petitioner seeks bail in anticipation of his
arrest in connection with Kamtaul P.S. Case No. 191/2020
instituted for the offences under Section 395 of the Indian
Penal Code.

The informant who is the driver of a pick-up van
has alleged in the First Information Report that the money
which he was carrying, namely, an amount of Rs. Seven
Lakhs was looted away by unknown eight young miscreants.
On the basis of the conversation between those accused
persons, the informant could gather the name of one Dipak



Kumar Bhandari. On that lead, aforesaid Dipak Kumar Bhandari was arrested who disclosed the name of the petitioner. From the house of the petitioner, Rs. Seventy Thousand was recovered.

The learned counsel for the petitioner has submitted that at best the evidence against him is only the confession of an arrested accused person who had definite animus against him. In the past, the petitioner had given loan to aforesaid Dipak Bhandari but he was not returning the same. He has been named by Dipak Bhandari in his confessional statement because the petitioner had been demanding his money back.

With respect to the recovery of Rs. Seventy Thousand from his house, the learned counsel for the petitioner has submitted that at the time of recovery, there was no person available in his house and, therefore, there is no endorsement on the seizure list. Apart from this, it has been submitted that the recovered amount were of currency notes of small valuation. The petitioner has offered an explanation for the presence of such currency notes in his



house. The aforesaid money was kept for casting roof of the house of the petitioner.

These explanations do not weigh with this Court for granting him anticipatory bail notwithstanding the fact that the name of the petitioner has transpired in the confession of an arrested accused person.

I am not inclined to grant anticipatory bail to the petitioner.

The prayer for anticipatory bail is rejected.

However, if he surrenders before the court below and seeks bail, all the grounds noted above shall be taken into account and an order shall be passed without being prejudiced by the fact that the present petition on his behalf has not been entertained.

(Ashutosh Kumar, J)

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