

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57405 of 2021

Arising Out of PS. Case No.-247 Year-2019 Thana- HARNAUT District- Nalanda

RAJNISH PANDEY Son of Sanat Pandey @ Sant Kumar Pandey Resident of
Village- Amawan, P.S.- Bind, District- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Raj Ballabh Singh, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 11-07-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in a case registered
for the offences punishable under Sections 363, 365 and 302 of the
Indian Penal Code.

Learned counsel for the petitioner submits that the
petitioner is a person with clean antecedent and the informant
alleges that he has a Scorpio vehicle and the driver of the aforesaid
vehicle, namely, Vinod was hired through his friend Guddu Kumar
to drop his friend Anil Kumar from R.M.S. Colony, East Indira
Nagar, Road No. 2, Kankarbagh, Patna to village Rupau, District-
Nawada, it is next alleged that while he was returning to Patna he
went to Asthawan to drop one of his family members. It is further
alleged that at about 10:30 pm, informant called his driver on
mobile and he informed that he was returning and crossing village



Chero More and thereafter his driver was found traceless, thus based on suspicion, the F.I.R. was registered alleging that the driver of the vehicle was kidnapped by someone.

Learned counsel for the petitioner submits that the petitioner is not named in the F.I.R. and during the course of investigation one Shivam was arrested who is alleged to have killed the driver of the vehicle. It is next submitted that the name of the petitioner transpired in the present case merely because he one day after the occurrence had a talk with Shivam, it is next submitted that the entire allegation hinges around suspicion, there is no eyewitnesses to the occurrence and the petitioner stands implicated merely because of the fact that he talked with Shivam. Learned counsel next submits that confessional statement of Shivam was also recorded who in his confessional statement has taken name of many of the accused persons, including the petitioner, but he has stated that after committing the theft of mobile of the deceased he had contacted them for selling it. It is next submitted that even Shivam in his confessional statement has not stated or disclosed that petitioner had participated in the occurrence.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

Considering the submissions made by the learned



counsel for the petitioner and the fact that the petitioner is a person with clean antecedent, there is no eyewitness to the occurrence and his name transpired in the confessional statement based on suspicion as aforesaid, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Harnaut (Chero) P.S. Case No. 247 of 2019 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

The petitioner will keep marking his attendance in the concerned police station in between 25-30 of every month commencing from July, 2022 till charge-sheet is not submitted. In the event, if it is brought to the notice of the learned court below by the police officials that the petitioner in between the aforesaid dates has not marked his attendance, the learned court below shall proceed to cancel his bail bonds after recording reasons.

(Satyavrat Verma, J)

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