

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17674 of 2023

Arising Out of PS. Case No.-167 Year-2022 Thana- IMAMGANJ District- Gaya

NIRAJ KUMAR @ TIGER SON OF BECHAN PASWAN RESIDENT OF
VILLAGE- WAKIGANJ, PS- DOBHI, DISTT- GAYA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Yogendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 25-05-2023 Heard the learned counsel for the
petitioner and the learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with Imamganj P.S. Case No. 167 of 2022, registered for the offences punishable under Section 379 of the Indian Penal Code.

The allegation is regarding the tractor of the informant having been allegedly stolen by the nephew of the informant, namely, Ranjeet Kumar. It is also alleged that during the course of investigation, the police had arrested one Rakesh Kumar, who in his confessional statement had disclosed the name of the petitioner as one of his accomplice in the alleged crime.



The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case and he is having a clean antecedent. The learned counsel for the petitioner has further submitted that the name of the petitioner has surfaced in the confessional statement of the co-accused person, namely, Rakesh Kumar, which has got no evidentiary value in the eyes of law. It is also submitted that the stolen tractor has neither been recovered from the house of the said Rakesh Kumar or from the house of the petitioner herein.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for grant of anticipatory bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the fact that the name of the petitioner has transpired in the present case upon the confessional statement



made by the co-accused person, namely, Rakesh Kumar, apart from the fact that he is having a clean antecedent, I deem it fit and proper to admit the petitioner herein to the privilege of anticipatory bail.

Accordingly, the petitioner, above named, is directed to be released on anticipatory bail in the event of his arrest/surrender before the court below within a period of six 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 learned Judicial Magistrate-1st Class, Sherghati at Gaya in connection with Imamganj P.S. Case No. 167 of 2022, subject to the conditions as stipulated under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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