

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18427 of 2023

Arising Out of PS. Case No.-156 Year-2022 Thana- KOTWA District- East Champaran

Dipak Pandey @ Deepak Pandey, Son of Jagnath Pandey Village- Nawada
Ps- Kotwa Dist- East Champaran

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Rajesh Ranjan, Advocate

For the Opposite Party/s : Mr. Gauri Shankar Gupta, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 08-06-2023 Heard learned counsel for the petitioner and Mr.
Gauri Shankar Gupta, learned APP for the State.

The petitioner in the present case is seeking pre-arrest bail in connection with Kotwa P.S. Case No. 156 of 2022 registered for the offences punishable under Section 379 of the Indian Penal Code. He has no criminal antecedent.

As per the prosecution story, on 27.04.2022 the informant has given his Bolero vehicle bearing Registration No. BR05P6162 to his driver Dipak Pandey (petitioner) for attending a wedding. The driver took the vehicle to the wedding and brought it back and parked it in front of his house in the night. In the morning, the driver informed the informant that the vehicle has been stolen from his house by some unknown thief. Thereafter, the F.I.R. was lodged against the unknown person.

Learned counsel for the petitioner submits that the



petitioner is innocent and has falsely been implicated in the present case. Learned counsel submits that the petitioner was the driver of the vehicle which has been stolen away and only after about a month he has been made accused on mere allegation that his relatives were found using the said vehicle.

Learned APP for the State has opposed the prayer for anticipatory bail of the petitioner.

Having regard to the facts and circumstances of the case in which it is the submission of learned counsel for the petitioner that the petitioner is not named in the FIR, he was the driver of the vehicle which has been stolen away and only after about a month he has been made accused on mere allegation that his relatives were found using the said vehicle, the petitioner has otherwise no criminal antecedent, in the circumstances, this Court directs that in case of his arrest or surrender within four weeks from today, the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, East Champaran, Motihari in connection with Kotwa P.S. Case No. 156 of 2022, subject to the condition as laid down under Section 438(2) Cr.P.C.



And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take steps for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

This application is allowed.

(Rajeev Ranjan Prasad, J)

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