

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.34612 of 2023**

Arising Out of PS. Case No.-271 Year-2022 Thana- MAKER District- Saran

Rinku Ray @ Rinku Raj Son of Shivshankar Prasad Ray Resident of village -  
Sikati, Anjani Mathiya, P.S. - Parsa, Distt. - Saran at Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

|                          |   |                                                                       |
|--------------------------|---|-----------------------------------------------------------------------|
| For the Petitioner/s     | : | Mr. N K Agarwal, Sr. Advocate<br>Mr. Pushpendra Kumar Singh, Advocate |
| For the Opposite Party/s | : | Mr. Tapeswar Sharma, APP                                              |

**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR**  
ORAL ORDER

3      25-07-2023                      Heard Mr. N K Agarwal, learned senior counsel duly assisted by Mr. Pushpendra Kumar Singh, learned counsel appearing on behalf of the petitioner and the learned APP for the State.

2. The petitioner apprehends his arrest in connection with Maker P.S. Case No. 271 of 2022 registered for the offence punishable under Sections 413 and 414/34 of the Indian Penal Code.

3. The police on a tip of confidential information apprehended co-accused Sujit Kumar with a stolen tractor, who disclosed that co-accused Prakash Sharma @ Nepali and this petitioner are indulged in sell and purchase of stolen vehicles and he also purchased one JCB and tractor from them. On the



disclosure of Sujit Kumar, said JCB was recovered from the house of co-accused Manoj Kumar Singh.

4. Learned senior counsel appearing on behalf of the petitioner submits that save and except the disclosure made by co-accused Sujit Kumar, there is no material suggesting his complicity, that apart the statement before the police is hit by Section 25 of the Evidence Act. Further submissions has been made with regard to the criminal antecedent of the petitioner that though there are three cases against the petitioner, but two out of three cases have been instituted against the unknown persons and later on the name of the petitioner has sprung up on the confessional statement of the co-accused. He next submitted that during the course of investigation, no incriminating material has been recovered from the whereabouts of the petitioner. He lastly submits that the petitioner undertakes that he will fully co-operate in the investigation and make himself available before the Investigating Officer, whenever his appearance is required.

5. On the other hand, learned APP for the State vehemently opposes the pre-arrest bail application of the petitioner and submits that the petitioner is the person who is involve in sell and purchase of stolen vehicles.

6. Regard being had to the submissions made on



behalf of the parties and considering the nature of allegation and the fact that there is no materials suggesting any complicity of the petitioner with the present case, let the above named petitioner, be released on bail, in the event of his arrest of surrender before the learned Court below within a period of four weeks from today, on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1<sup>st</sup> Class, Saran at Chapra in connection with Maker P.S. Case No. 271 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. with further condition that one of the bailors shall be the own/close family members of the petitioner.

**(Harish Kumar, J)**

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