

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36613 of 2023

Arising Out of PS. Case No.-570 Year-2021 Thana- BANKA District- Banka

MD JAWED EQUABAL @ JAWAID EQUBAL @ MD. RINKU S/O LATE
MD. IQBAL R/O Miyan Saheb Ka Maidan, P.S- Mojahidpur, Distt.-
Bhagalpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mrs.Indu Kumari Srivastava, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

- 2 21-07-2023 1. Heard the learned counsel for the
petitioner and the learned A.P.P. for the State.
2. The petitioner apprehends his arrest in
connection with Banka P.S. Case No. 570 of 2021,
for the offences registered under Section 411 of
the Indian Penal Code.
3. The accusation is regarding the tempo of
the informant having been stolen on the alleged
date and time of occurrence.
4. The learned counsel for the petitioner
has submitted that the petitioner is innocent and
he has been falsely implicated in the present case.
The learned counsel for the petitioner has further



submitted that though the petitioner is an accused in one another criminal case but he is on bail in the said case. It is also submitted that the petitioner has merely been implicated in the present case on account of certain parts of the stolen tempo having been recovered from the junkyard of the petitioner, however, the fact is that it is only suspected that the said parts belong to the tempo of the informant. Lastly, it is submitted that the name of the petitioner has transpired on the basis of the confessional statement made by the co-accused person namely Niranjana Sharma, which has got no evidentiary value in the eyes of law.

5. Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for bail.

6. 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 fact that the stolen tempo, as a whole, has not been recovered from the junkyard of the petitioner, apart from the fact that the name of the petitioner has transpired in the



present case on the basis of the confessional statement of one Niranjana Sharma, which has got no evidentiary value in the eyes of law, I deem it fit and proper to admit the petitioner herein to the privilege of anticipatory bail.

7. 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 four 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 C.J.M., Banka in connection with Banka P.S. Case No. 570 of 2021, subject to the conditions as stipulated under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

S.Sb/-

U		T	
---	--	---	--

