

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38656 of 2023

Arising Out of PS. Case No.-1459 Year-2022 Thana- KAHALGAON District- Bhagalpur

RAJESH KUMAR @ RAJESH KUMAR RAUSHAN Son of Chhatish
Mandal Resident of village - Shahpur, P.S.- Bihpur, District - Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dilip Kumar

For the Opposite Party/s : Mr.Uma Shankar Prasad Singh

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 28-07-2023 Heard the learned counsel for the petitioner and the learned
A.P.P. for the State.

2. This is an application for grant of anticipatory bail in connection with Kahalgaon (Rasalpur) P.S. Case No. 1459 of 2022 registered for the offence punishable under Section 379 of the Indian Penal Code and later on, Section 411 of the Indian Penal Code was added.

3. The allegation is regarding the vehicle of the informant having been stolen in the night from his house on the alleged date of occurrence.

4. The learned counsel for the petitioner submits 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 vehicle



in question has been recovered from the co-accused person, namely, Mithun Kumar and the name of the petitioner has transpired in the present case on the confessional statement made by the co-accused person, namely, Sachin Kumar, however, the petitioner is not having any complicity in the matter.

5. Per contra, the learned APP 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, taking into account the materials available on record as also considering the fact that the vehicle in question has been recovered from the co-accused person, namely, Mithun Kumar and moreover, the name of the petitioner has transpired in the present case, upon the confessional statement made by the co-accused person, namely, Sachin Kumar, which has got no evidentiary value in the eyes of law, apart from the fact that the petitioner is having a clean antecedent, I deem it fit and proper to admit the petitioner to the privilege of anticipatory bail.

7. Accordingly, the petitioner is directed to be enlarged on anticipatory bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of



receipt/production of a copy of this order, on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhagalpur in connection with Kahalgaon (Rasalpur) P.S.Case No. 1459 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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