

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48607 of 2023

Arising Out of PS. Case No.-470 Year-2022 Thana- BYPASS District- Patna

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PANKAJ @ GOLU KUMAR @ PANKAJ PASWAN, SON OF SRI
RAJKISHOR PASWAN, RESIDENT OF VILLAGE - MOHANPUR
(BAHADURPUR), P.S. - VAISHALI, DISTRICT - VAISHALI

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner : Mr.Arvind Kumar, Advocate
For the State : Mr.Binod Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

- 2 11-08-2023 1. Heard learned counsel for the petitioner and
learned APP for the State of Bihar.
2. The petitioner is apprehending his arrest in
connection with Bypass P.S. Case No. 470 of 2022 registered
for offence under Sections 379 and 34 of Indian Penal Code.
3. The prosecution case is that an eight wheeler trailer
has gone missing from near Choudhary Petrol Pump. One co-
accused was apprehended based on his identification from
CCTV footage. It is on the basis of his statement recorded in
custody that the petitioner has been implicated.
4. It is submitted by learned counsel for the petitioner
that merely on statement of co-accused recorded in custody, the
petitioner has been implicated. Such implication has no legal



sanctity. The petitioner is having no antecedents and there is no recovery of any incriminating material. Another co-accused similarly implicated as the petitioner on the basis of same co-accused namely Pankaj has been allowed anticipatory bail in *Cr. Misc. No. 16799 of 2023*.

5. Learned APP for the State has opposed the prayer for bail. He submits that co-accused has identified the petitioner.

6. Considering the rival submissions, the clean antecedents of the petitioner and claim based on parity, as also the fact that there is no recovery attributed from the petitioner, this Court is inclined to allow petitioner's prayer for grant of anticipatory bail.

7. Petitioner's prayer for anticipatory bail is allowed.

8. Accordingly, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of four weeks from today, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-VI, Patna City, in connection with Bypass P.S. Case No. 470 of 2022, subject to the conditions as laid down in Section 438(2) of the Code of Criminal Procedure as also subject to the following conditions:



- (i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.
- (ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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