

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59682 of 2023

Arising Out of PS. Case No.-344 Year-2023 Thana- HAJIPUR SADAR District- Vaishali

Kundan Kumar @ Kundan Paswan, S/O Dinesh Paswan @ Naresh Paswan
R/O Village- Arari, Ps. Sarai, O.P. District. Vaishali

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 11-10-2023 1. Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner apprehends his arrest in connection
with Hajipur Sadar P.S. Case No. 344 of 2023 dated 17.05.2023
registered for the offence punishable under Section 392 of the
Indian Penal Code.

3. The main submissions advanced by the learned
counsel for the petitioner are that the petitioner has fair and
clean antecedent, he is not named in the F.I.R, during
investigation the name of the petitioner surfaced in the
statement of co-accused Hemant Kumar Sah and except the
confessional statement of co-accused there is no material against
the petitioner to connect him to the alleged crime of loot and
during investigation the police failed to recover any part of



looted articles from his possession and the looted motorcycle is stated to have been recovered from the house of the co-accused Hemant Kumar Sah and one similarly situated co-accused, namely, Chandan Kumar @ Kallu Mahto, whose name also surfaced in the statement of co-accused has been granted anticipatory bail by a co-ordinate Bench of this Court vide order passed in Cr. Misc. 55666 of 2023.

4. Learned APP appearing for the State has opposed the bail prayer.

5. Considering the above submissions and mainly petitioner's fair and clean antecedent and also the fact that in respect of petitioner's involvement in the alleged crime, the prosecution is mainly relying upon the confessional statement of co-accused given before the police and the prosecution has not pointed out any recovery of any part of looted articles from the possession of the petitioner in furtherance of confessional statement of co-accused, in my opinion, in the said circumstance, the petitioner deserves to the privilege of anticipatory bail. Accordingly, let the petitioner named-above, in the event of his arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail in connection with Hajipur Sadar P.S. Case



No. 344 of 2023 on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Shailendra Singh, J)

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