

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59141 of 2023

Arising Out of PS. Case No.-505 Year-2023 Thana- SHERGHATI District- Gaya

Raj Kumar Paswan Son Of Late Raghu Paswan Resident Of Village- Dhat
Rampur, Ps- Sherghati, Dist- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Rajesh Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 03-10-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. In this case, the petitioner is apprehending his arrest in connection with Sherghati P.S. Case No. 505 of 2023, registered on 16.05.2023 for the offences under Sections 379 and 411 of the Indian Penal Code.

3. As per prosecution case, a submersible water pump of the informant was stolen and the informant after inquiry came to know that the petitioner and co-accused Rajesh Paswan had stolen his said pump. The recovery of the motor pump was made from the house of the petitioner and co-accused before the local police.

4. Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this



case merely on suspicion. No details have been provided for the pump which was stolen. Furthermore, no time or date has been given when the submersible pump went missing. There is nothing in the FIR to connect the recovery allegedly made from the house of the petitioner to the stolen motor pump of the informant. Moreover, recovery has been shown from the cow-shed of the petitioner and it is not from the inside of the house of the petitioner. Further no signature of any of the family members of the petitioner has been taken on the seizure list. If the motor pump were stolen, the petitioner would certainly have kept it inside his house and not in open for all to see. In fact, the said recovered motor pump belongs to the petitioner and was not in working condition. Learned counsel further submits that petitioner has got no criminal history.

5. Learned APP opposes the prayer for anticipatory bail.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the possibility of false implication along with the clean antecedent of the petitioner, let the petitioner above named, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on



furnishing bail bonds of Rs. 20,000/- (Rupees Twenty Thousand Only) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Ist Sherghati at Gaya/ court concerned in connection with Sherghati P.S. Case No. 505 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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