

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72317 of 2022

Arising Out of PS. Case No.-38 Year-2022 Thana- SIMRI District- Darbhanga

VIKRAM PASWAN @ VIKRAM ASHOK PASWAN Son of Ashok Paswan
R/V- Narayanpur, P.S- Kusheshwarsthan, Dist- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amit Kumar Singh

For the Opposite Party/s : Mr.Shailendra Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 29-04-2023 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Simri Police Station Case No. 38 of 2022, disclosing offences under Sections 467/468/471/420/414/411/34 of the Indian Penal Code.

The prosecution case, as per the First Information Report, is that during the course of petrolling, the police found that 3-4 persons were engaged in the theft of diesel through plastic pipe from a fuel tanker. Upon seeing the police, the accused persons fled towards Muzaffarpur by a car and upon chase, the police party surrounded the car, but taking advantage of the darkness, the accused persons fled away. Upon search of the car, the police recovered four plastic gallons, containing 140



litres of diesel, 10 empty plastic gallons, instrument and tools for breaking upon the lock of the fuel tanker, plastic pipe, number plate etc.

Learned Counsel for the petitioner submits that the petitioner has falsely been implicated in this case on the basis of the confessional statement of co-accused Abhishek Kumar, who was arrested three months after the alleged occurrence. He further submits that the petitioner has got no criminal antecedent and no incriminating material has been recovered from the possession of the petitioner. He further submits that the vehicle, in question, does not belong to the petitioner.

Regards being had to the submissions advanced on behalf of the parties and taking into consideration the fact that no incriminating and/or stolen article has been recovered from the possession of the petitioner and the name of the petitioner has transpired on the basis of the confessional statement of co-accused, who was arrested three months after the alleged occurrence, I am inclined to grant the petitioner privilege of anticipatory bail.

This application is, accordingly, allowed.

Let the petitioner, Vikram Paswan @ Vikram Ashok Paswan, in the event of his arrest or surrender before the



Court below within a period of four weeks, 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 learned 4th Additional Chief Judicial Magistrate, Darbhanga, in connection with Simri Police Station Case No. 38 of 2022, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner shall present himself before the police/Court, as the case may be, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bond shall be liable to be cancelled.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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