

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18953 of 2024

Arising Out of PS. Case No.-332 Year-2022 Thana- PIPRA District- East Champaran

Arbaj Khan @ Arbaz Khan S/o- Mansoor Khan Village- Nakardehi Tola
Mansingha Ps- Sugauli Dist- East Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Junior Electrical Engineer namely Sachit Kumar S/o Fekan Ram R/o Vill.- Barekhap, P.S.- Tandwa, Distt.- Aurangabad, presently Junior Electrical Engineer, Chakia

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nafisu Zzoha
For the Opposite Party/s : Mr.Arun Kumar Singh

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 04-04-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The instant application for anticipatory bail has been filed by the petitioner apprehending his arrest in connection with Pipra P.S. Case no. 332 of 2022 instituted for the offence under Sections 379, 411 of the Indian Penal Code.

3. The prosecution case as per F.I.R is that the Electrical Engineer, Electricity Branch, Chakia received an information that some unknown persons are cutting 33 KV wire. On getting such information, he reached at the place where, on enquiry, the villagers told that due to hulla, though the accused fled away but a pick-up van the driver namely Vinay Kumar was



apprehended by the villagers which were later on handed over to the police. Some cutting wire from electric pole were recovered from the vehicle in question.

4. Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has committed no offence. The petitioner is not named in the FIR. His name came into light on the basis of confessional statement of co-accused Vinay Kumar who was apprehended on spot. The confession before police is inadmissible in the eye of law. It is also submitted that the petitioner is running a business of scrab in the locality of Motihari town and he is having no concern with the co-accused or stolen articles. Other co-accused Vinay Kumar has already been enlarged on bail by this Court vide order dt. 11.7.2023 passed in Cr. Misc. No. 4676 of 2023.

5. Learned APP appearing for the state has opposed the prayer of anticipatory bail.

6. Having heard learned counsel for the parties and in the facts and circumstances of the case as stated above, this Court is inclined to enlarge the petitioner on bail. The petitioner is directed to surrender in the Court below within a period of four weeks from today and in the event of his arrest or surrender in connection with Pipra P.S. Case no. 332 of 2022, he will be



enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Sadar Motihari, East Champaran subject to the conditions as laid down under section 438(2) of the Cr.P.C.

(Sunil Kumar Panwar, J)

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