

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29330 of 2024

Arising Out of PS. Case No.-289 Year-2023 Thana- JANDAHA District- Vaishali

Rajan Kumar @ Aman Kumar (M), aged about 20 years, S/o Rambabu Rai,
R/o vill - Govindpur Jhakraha, P.S. - Rajapakar, Distt. - Vaishali.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Mrityunjay Kumar, Advocate
For the Opposite Party : Mr .Satya Nand Shukla, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

3 26-07-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Jandaha P.S. Case No. 289 of 2023 dated 14.09.2023 registered for the offence punishable under Section 395 of the I.P.C.

3. As per the prosecution case, the informant got a call on his mobile for hiring his *Bolero* vehicle for going to *Sarai Bhakurahar* and he said that he has to reach at *Bateshwar Nath Mela* and all the proposed passengers will go from there. It is further alleged that the informant reached *Bateshwar Nath Mela* then six boys aged about 20 to 25 years approached him and they sat on his vehicle and directed him to drive towards *Bakhari*. When they reached near *Bahasi Chavar* then one of



them pretended vomiting and asked to stop the vehicle and when the informant stopped the vehicle, one of them, pointed gun on the informant and the other co-accused persons assaulted, tied him and then threw him in the nearby field. Thereafter, the accused persons fled away with the vehicle of the informant and took his mobile phone.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has been falsely implicated in this case. The petitioner is not named in the F.I.R. His name has come in the present case during the course of investigation on the basis of the confessional statement of the co-accused which has got no evidentiary value in the eye of law. Except the confessional statement of the co-accused, there is no other substantive evidence to suggest the implication of the petitioner in the present case. The looted Bolero vehicle has been recovered from the possession of the co-accused. No incriminating article has been recovered from the possession of the petitioner. The other co-accused persons Sunny Kumar and Prabhat Kumar have already been granted bail by a Bench of this Court vide Cr. Misc. No. 21835 of 2024 and Cr. Misc. No. 22390 of 2024 respectively under order dated 03.05.2024. The petitioner has one criminal antecedent in which he is on bail as



stated in paragraph no. 3 of the bail application.

5. Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner.

6. Considering the aforesaid facts and circumstances of the case, let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M. Vaishali at Hajipur in connection with Jandaha P.S. Case No. 289 of 2023, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure with further condition:-

(I) The petitioner is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the petitioner are liable to be cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

U.K./-

U		T	
---	--	---	--

