

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44311 of 2024

Arising Out of PS. Case No.-266 Year-2023 Thana- KARAHGAR District- Rohtas

KRISHNA PANDEY SON OF JAY RAM PANDEY @ JAI RAM PANDEY
VILLAGE- SAMARDIHA, P.S.- SASARAM (M), DISTT.- ROHTAS

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Tiwari, Advocate

For the Opposite Party/s : Mr.Chaubey Jawahar, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 28-06-2024 Heard Mr. Ajay Kumar Tiwari, learned counsel for
the petitioner and Mr. Chaubey Jawahar, learned APP for the
State.

2. The petitioner apprehends his arrest in connection
with Kargahar P.S. Case No. 266 of 2023 instituted for the
offences under Sections 379, 411 of the Indian Penal Code.

3. Prosecution case, in short, is that on the alleged date
and time, the informant saw that two miscreants including this
petitioner were stealing his motorcycle. The informant raised an
alarm and chased both the miscreants. It is further alleged that
one person, namely Gaurav Kumar was caught and, thereafter,
on interrogation disclosed the name of the person, Krishna
Pandey (petitioner), who fled away from the spot.



4. Learned counsel for the petitioner submitted that the petitioner is innocent and has falsely been implicated in the present case due to previous enmity. Learned counsel further submitted that petitioner was not apprehended on the spot nor any incriminating article has been recovered from his conscious possession. The name of the petitioner was disclosed by the co-accused Gaurav Kumar Tiwari who was apprehended on the spot. The recovery of motorcycle is attributed to co-accused Gaurav Kumar Tiwari. Except the confessional statement of the co-accused there is no material against the petitioner. Learned counsel for the petitioner further contended that confessional statement made before police has no evidentiary value in the eye of law. It has been submitted on behalf of the petitioner that the petitioner has no criminal antecedent.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case coupled with the fact that no any recovery of incriminating article from the possession of this petitioner, let the petitioner above named, in the event of arrest/surrender before the learned Court below within a period of six months from today, be released on anticipatory bail on furnishing bail



bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Kargahar P.S. Case No. 266 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Rudra Prakash Mishra, J)

Alok Verma/-

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