

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79213 of 2023

Arising Out of PS. Case No.-23 Year-2023 Thana- TANKUPPA District- Gaya

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PAPPU PASWAN Son of Yogendra Ram @ Yogendra Paswan Resident of
Village - lakhanpur, P.S.- Muffasil, District - Gaya.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

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

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

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 18-01-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner in the present case is seeking pre-arrest bail in connection with Tankuppa P.S. Case No. 23 of 2023 registered for the offences punishable under Sections 380, 457, 411 and 34 of the Indian Penal Code. He has got no criminal antecedent.

3. As per the prosecution story, on 02.02.2023 in the night, the informant heard some sound and when he came outside, he saw his motor pump thrown nearby his door and saw a person trying to take away his tyre. It is alleged that the said person was apprehended by the informant and he took the name of the petitioner as his associate.

4. Learned counsel for the petitioner submits that the



petitioner was not apprehended by police or the informant on the spot. His name has allegedly transpired in the statement of the apprehended accused. It is submitted that the petitioner is innocent and has been dragged in this case only on the basis of alleged disclosure by the apprehended accused. Nothing has been recovered from his possession.

5. Learned APP for the State has though opposed the prayer for anticipatory bail of the petitioner but considering that the name of the petitioner has transpired in the statement of the apprehended accused, there is no recovery from his possession, this Court directs that in case of his arrest or surrender within a period of four weeks from today, the petitioner above named be released on bail in connection with Tankuppa P.S. Case No. 23 of 2023 on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Gaya subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

6. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for



cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

7. This application stands allowed.

(Rajeev Ranjan Prasad, J)

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