

IN THE HIGH COURT OF JHARKHAND AT RANCHI
A.B.A. No.1871 of 2016

Rajendra Yadav, son of Nardhu Gope, resident of Village Jagdishpur, P.O. Jagdishpur, P.S. Muffasil District Hazaribagh.

... ... **Petitioner**

Versus

The State of Jharkhand **Opposite Party**

For the Petitioner : Mr. Hemant Kr. Shikarwar, Advocate

For the State : Mr. Pankaj Kumar, APP

CORAM: HON'BLE MR. JUSTICE RATNAKER BHENGRA

02/31.05.2016 The present application has been filed under Sections 438 and 440 of the Code of Criminal Procedure seeking anticipatory bail as the petitioner has a reasonable apprehension of his arrest in connection with Chouparan P.S. Case No.212 of 2015, corresponding to G.R. No.5065 of 2015, registered for the offence punishable under Section 379 of the Indian Penal Code, now pending in the court of learned J.M., 1st Class, Hazaribagh.

Heard learned counsel for the parties.

Learned counsel for the petitioner has submitted that the petitioner is not named in the F.I.R. and the F.I.R. is lodged against the unknown person and his name has come out on the basis of the confessional statement of the co-accused and the police is looking for him to arrest him and that the so called confession has no evidentiary value in the eye of law and that on the basis of confessional statement of the co-accused persons, recovery of truck and the iron rods has been made at different places and admittedly no recovery has been made from the person of the petitioner. He has also submitted that the petitioner is having no criminal antecedent.

The learned APP, Mr. Pankaj Kumar, has referred to the

impugned order and he has further referred to the paragraph nos. 15, 16, 17, 19 and 21 of the case diary and has submitted that during the investigation the co -accused persons namely, Baijnath Yadav, Dular Chand Das, Durga Saw and Mukhtar Alam were apprehended and on their disclosure stolen truck was recovered and the iron rods from the different places and these co-accused persons disclosed the name of the petitioner.

Having heard both the counsels and gone through the records of the case and in the facts and circumstances of the present case, I am inclined to grant anticipatory bail to the petitioner, and accordingly, the petitioner -**Rajendra Yadav** is directed to surrender in the court below, within three weeks from today, and on such surrender, he shall be released on bail, on furnishing bail bond of Rs.20,000/- (Rupees Twenty Thousand), with two sureties of the like amount each, to the satisfaction of the learned J.M., 1st Class, Hazaribagh, in connection with Chouparan P.S. Case No.212 of 2015, corresponding to G.R. No.5065 of 2015, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Ratnaker Bhengra, J.)

SI/