

IN THE HIGH COURT OF JHARKHAND AT RANCHI
A.B.A. No. 7198 of 2024

Mukesh Paswan, S/o Baikunth Paswan @ Baikunth Ram, R/o Village Birni,
P.O. Birni, P.S. Birni, District- Giridih.

... ... **Petitioner**

Versus

The State of Jharkhand

... ... **Opposite Party**

CORAM : SRI ANANDA SEN, J.

For the Petitioner:	Mr. B.M Tripathi, Sr. Advocate Ms. Nutan Kumari Sharma, Advocate
For the State :	Ms. Lily Sahay, A.P.P.

08/ 08.07.2025

This anticipatory bail application under Sections 482 and 484 of the Bharatiya Nagarik Suraksha Sanhita, 2023, has been preferred by the petitioner apprehending his arrest in connection with Sariya P.S. Case No. 275 of 2021, registered for offences alleged under Section 395 of the Indian Penal Code, pending in the Court of the Judicial Magistrate First Class, Giridih.

- 2.** It has been alleged by the informant that while he was working in his chamber, two persons entered suddenly and on point of arms asked the informant to open the cash vault. Since the informant did not have keys, they got it opened from Rakesh Kumar Singh, the Cashier on gun point and took out all the money and fled away. It has also been alleged the Dy. Branch Manager that 5-6 persons entered the Bank and on gun point took out cash amount and other documents. A total of Rs. 7.5 Lakhs and some other bank documents had been looted by the miscreants.
- 3.** Learned counsel for the petitioner submits that the petitioner is not named in the First Information Report and he has been implicated in this case on the basis of confessional statement of co-accused. He submits that no incriminating article has been seized from the possession of the petitioner. The motorcycle that has been recovered by the police belongs to petitioner's brother, which was stolen.
- 4.** Learned APP has vehemently opposed the prayer of the petitioner for grant of anticipatory bail and submits that the brother of the petitioner telephonically informed the Officer-in-Charge Birni Police Station that the petitioner had taken the motorcycle and was a notorious person.
- 5.** I have gone through the First Information Report, the impugned order and the case diary. I find that the allegation is in relation to bank dacoity.

The motorcycle, which was used in the crime, belongs to the brother of the petitioner, which was taken by the petitioner. It was later informed that the motorcycle was stolen while it was parked. Thus, the petitioner prays his innocence in the crime. Paragraph 55 of the Case Diary suggests that on 15.11.2021 at 19.00 Hours, over telephone, Manoj Paswan (brother of the petitioner) had informed that the motorcycle was taken by his brother and was parked in front of Punjab National Bank, but the same got stolen. In the diary it is also clear that the bank dacoity had taken place on the same day at 13.20 hours. The petitioner, thereafter, was found missing and a police case for motorcycle theft was also lodged by them. The sanha (Station Diary Entry) in respect of lodging of the information about stealing of the motorcycle is at 19.00 hours, which is much after the occurrence of dacoity. It has also come in the case diary that the petitioner is evading his arrest. Though the name of this petitioner is not in the First Information Report, his name transpired from the confessional statement of co-accused, who gave detail statement and stated how the co-accused and this petitioner have committed dacoity. Considering all these, I am of the view that this case needs proper investigation as also custodial interrogation and even putting the petitioner to Test Identification Parade, if required.

6. Considering, the aforesaid facts, I am not inclined to grant privilege of anticipatory bail to the petitioner. The prayer for grant of anticipatory bail of the petitioner is hereby rejected.

7. This anticipatory bail application is, accordingly, dismissed.

(Ananda Sen, J.)

Kumar/Cp-03