



IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.956 of 2015

Arising Out of PS.Case No. -82 Year- 2013 Thana -PHULWARIA District- BEGUSARAI

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Gautam Kumar Son of Abhimanyu Chaudhary@Abhimanyu Kumar
Resident of Village-Damodarpur,P.S-Bhagwanpur,Distt.-Begusarai

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ravi Shanker Pankaj

For the Opposite Party/s : Mr. Sanjay Kumar(App)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 14-05-2015 The petitioner is apprehending his arrest in connection with Fulwaria P.S.Case No. 82 of 2013 instituted under Section 392 of the Indian Penal Code.

Heard learned counsel for the petitioner and the State.

The prosecution story, in brief, is that on 10.5.2013 at about 9. 45 P.M. while the informant was returning to his house after leaving his uncle at his native place and when he reached near Gaura Petrol Pump, he saw four persons on two motor cycle came and signaled to stop his vehicle but the informant did not stop and tried to speed away. At 10.15 P.M. the miscreants surrounded him and took away his motor cycle. The miscreants

snatched his mobile phone and his purse containing a sum of Rs. 10,000/-. The informant claims to be identified the miscreants.

It has been submitted on behalf of the petitioner that the petitioner is a student of B.A. Part-I and he has falsely been implicated in the present case only on the basis of confessional statement of co accused. So far confessional statement of co accused before the police is concerned, same has no evidentiary value in the eye of law. Further it has been submitted that the petitioner has no criminal antecedent. It is also submitted that present FIR has been lodged after 11 hours and for this delay no explanation has been given by the prosecution. It is also submitted that in spite of delay in filing the FIR, the name of the petitioner did not figure in the FIR.

It is submitted on behalf of the State that it is a case under Section 392 IPC.

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

However, if the petitioner surrenders in the court below within a period of six weeks and seek regular bail the same shall be considered on its own merit without being prejudiced by this order of rejection. Further the court below may consider the submissions made on behalf of the petitioner and the fact that

other co -accused has already been granted anticipatory bail by
the court below itself.



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(Sudhir Singh, J)