

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31083 of 2017

Arising Out of PS.Case No. -281 Year- 2015 Thana -GARKHA District- SARAN

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Pappu Kumar @ Pappu Sah Son of Ramnath Sah Resident of village
Kadipur, Police Station- Khaira (Nagar O.P.), District- Saran at Chapra

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Satya Prakash

For the Opposite Party/s : Mr. Zainul Abedin

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

2 13-07-2017 Heard both sides.

The petitioner apprehends arrest in connection with
Garkha P.S. Case no. 281 of 2015 registered for the offence
punishable under Sections 393 of the Indian Penal Code.

The informant has alleged that while she was going
to Chapra on Auto Rickshaw, one Bolero vehicle overtook her
Auto Rickshaw and stopped the same. The two occupants sitting
on the said Auto Rickshaw tried to snatch her ornaments and
articles, but the driver of the Auto Rickshaw speed up the tempo
and reached at Alonoy Bazar and on his alarm, the villagers
assembled and caught the said two persons who were sitting on
the tempo namely, Mukesh Nut and Gauri Mahto. The said
apprehended accused persons disclosed the name of one Vijay



Kumar Sah who after two and half months was arrested and he disclosed the name of this petitioner.

Learned counsel for the petitioner submits that the apprehended accused persons disclosed the name of one Vijay Kumar Sah who was apprehended after two and half months and on his disclosure, the name of this petitioner surfaced. The petitioner has clean antecedent and nothing has been recovered from his possession, so he deserves anticipatory bail. He further submits that the both the apprehended accuseds and the person who disclosed the name of this petitioner are enjoying the privilege of bail.

Learned APP, on the other hand, opposed the submissions.

On perusal of annexures available on records, I find that on the alarm of tempo driver, the villagers apprehended two persons namely, Mukesh Nut and Gauri Mahto and accordingly, the present case was registered under Section 393 of the I.P.C. on 30.10.2015. None of the apprehended accuseds disclosed the name of this petitioner rather he disclosed the name of one Vijay Kumar Sah and few others who were sitting in the Bolero vehicle which was following the said tempo on the date of occurrence. On the basis of confessional statement of the said two



apprehended accuseds, one Vijay Sah was apprehended by police on 30.03.2017 and he confessed his guilt and disclosed that he had taken the Bolero vehicle from this petitioner. Except this, nothing has come against this petitioner and he has clean antecedent.

Considering the facts and circumstances of the case, the prayer of anticipatory bail is allowed. The petitioner above named, in the event of arrest/surrender within four weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-V, Saran at Chapra in connection with Garkha P.S. Case no. 281 of 2015, subject to the condition as laid down under Section 438(2), the code of Criminal Procedure.

(Sanjay Kumar, J)

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