

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38085 of 2018

Arising Out of PS.Case No. -54 Year- 2018 Thana -BRAHMPURA District- MUZAFFARPUR

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1. BRAHMANAND SAH @ BRAHMANAND KUMAR, Son of Jitan Sah, R/o Village Isarpatti, P.S. Ahiyapur, District- Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Alok Kumar Alok

For the Opposite Party/s : Mr. Smt. Sucheta Yadav

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 06-07-2018

Heard learned counsel for the parties.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 356, 379, 411/34 of the Indian Penal Code and 25(i-b)A/26/35 of the Arms Act.

The prosecution case got initiated on the written report of Abdul Jabbar dated 24-02-2018 submitted before SHO Brahmapur Police Station, to the effect that on the same day at about 5.00 P.M. the informant came to Bairiya tempo stand and boarded on an auto rickshaw which was already occupied with four persons including the driver, to go to Juran Chapra. In the midway, the accused persons snatched Rs. 25,000/- from pocket of the informant. On alarm being raised, two persons were



apprehended after chase, who disclosed their names as Rajkishore Sahani, the auto driver and Rajesh Kumar Rai. From the possession of the driver, Rs. 7000/- was recovered and from the pocket of the shirt of Rajesh Kumar, Rs. 8,000/- was recovered. The auto rickshaw driver Rajkishore Sahani, disclosed the name of other associates as Umesh and Brahmanand Sah (petitioner) and suggested that their share was Rs. 5,000/-

It is submitted on behalf of the petitioner that the petitioner was not apprehended on the spot. There is no recovery from possession of the petitioner and on the basis of mere statement of apprehended co-accused, the petitioner has been made an accused in this case. It is further submitted that the petitioner has been named by the co-accused who have participated in the occurrence. A statement has been made in paragraph 3 that the petitioner is not having criminal antecedent.

Learned counsel for the State submits that petitioner is named in the FIR.

Considering the fact that the petitioner's name sprang up in the statement of apprehended co-accused, coupled with the fact that he is not having any criminal antecedent, let the above named petitioner, in the event of arrest/surrender before the learned Court below, within a period of twelve weeks from today, be



released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Muzaffarpur in connection with Brahamapura P.S. Case No. 54 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Dinesh Kumar Singh, J)

A.K.V./-

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