

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.52666 of 2018

Arising Out of PS.Case No. -26 Year- 2017 Thana -KOILWAR District- BHOJPUR

=====

1. Lav Kush Kumar, Son of Balaram Singh alias Balram Singh alias Baliram Singh, resident of Village- Bhudar Tola, P.S. Maner, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Amit Kumar Jha

For the Opposite Party/s : Mr. Dashrath Mehta

=====

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 11-09-2018 Heard learned counsel for the petitioner and learned APP for the State.

The petitioner is apprehending his arrest in a case registered under Sections 461, 379, 411 and 34 of the Indian Penal Code.

The prosecution case, in brief, is that at night, the accused persons were stealing the battery of truck of the informant.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. The petitioner has been made accused in this case due to mistake of fact. The name of the petitioner has transpired in this case on the basis of disclosure made by the co-accused Basant Kumar @ Puran Kumar. Except for this, there is no other substantial



evidence to suggest the implication of the petitioner in the present case. There is no recovery of any incriminating article from possession of the petitioner. The other co-accused namely, Basant Kumar @ Puran Kumar and Nagendra Kumar with similar allegation have been granted anticipatory bail by different benches of this court vide orders dated 20-04-2017 and 12-07-2017 passed in Cr. Misc. Nos. 15065 of 2017 and 27463 of 2017 respectively.

On behalf of the State, it is submitted that the petitioner has been named in confessional statement of co-accused.

Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of arrest/surrender before the learned court below within a period of six 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, Bhojpur at Ara in connection with Koilwar P.S. Case No. 26 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

A.K.V./-

U		T	
---	--	---	--

