

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6984 of 2019

Arising Out of PS. Case No.-380 Year-2018 Thana- AGAMKUAN District- Patna

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BABU @ AAYUSH KUMAR, son of Satyanarayan Sharma, Resident of
North lakhibag, P.S.- Manpur, Distt.- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Raj Kumar, Adv.

For the Opposite Party/s : Mr.Bharat Bhushan, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 11-02-2019 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner is apprehending arrest in a case registered
for the offences punishable under Sections 419, 420, 467, 468,
471, 379/34 of the Indian Penal Code.

The prosecution case got initiated on the basis of written
report dated 27.05.2018 submitted by Bishnudev Prasad Yadav
to the Station House Officer, Agamkuan Police Station is to the
effect that on the same day, at 1.30 A.M. when the informant
was on patrolling duty, he found a Scorpio vehicle being parked
and 5-6 persons are sitting inside the vehicle, but on seeing the
police, they started to flee away from the scene. However, on
chase being made, two persons were apprehended, who
disclosed their names as Murari Kumar and Dhananjay Kumar.



On frisking from them, ATM cards, cash and mobile phones were recovered. The apprehended accused persons further disclosed that they duped innocent people by asking them to deposit security money in their account in the name of lottery and misappropriated the amount so received in complicity of co-accused Niraj Kumar @ Karu Babu, Gautam and the owner of the Scorpio vehicle, Manoj Kumar.

It is submitted by learned counsel for the petitioner that the petitioner's name sprang up on the basis of confessional statement of apprehended co-accused. Moreover, the similarly situated co-accused Manoj Kumar, from whose vehicle the accused persons were apprehended, has been granted anticipatory bail by a co-ordinate Bench of this Court vide order dated 04.02.2019 passed in Criminal Miscellaneous No.6092 of 2019. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

It is submitted by learned APP for the State the petitioner's name sprang up on the basis of the confessional statement of co-accused.

Considering the suspicious nature of accusation and keeping in view the fact that co-accused person has been granted anticipatory bail by a co-ordinate Bench of this Court,



coupled with statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned ACJM, Patna City, in connection with Agamkuan P.S. Case No.380 of 2018, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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