

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10024 of 2019

Arising Out of PS. Case No.-231 Year-2018 Thana- BALIYA District- Begusarai

Piyush Kumar, aged about 28 years, Gender-Male, S/o Sushil Kumar Singh @ Lalan Singh, Resident of Village-Ramdiri, ward no.7, Naktitola, P.S-Matihani, District-Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pritish Kumar Lal

For the Opposite Party/s : Mr.Ashok Kumar Singh

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 20-02-2019 Heard learned counsels for the petitioner and the State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 395 and 412 of the IPC.

The prosecution case, as per the fardbeyan of Prashant Kumar, recorded by Sunil Kumar, S.H.O., Baliya Police Station on 14.08.2018, is to the effect that on the same day at about 7.45 P.M., the informant was travelling on a motorcycle, when six accused persons came on two motorcycles and on the point of pistol, snatched the motorcycle of the informant. In the meantime, the police personnel, who were on patrolling duty came and chased the accused persons, when two motorcycles



including the robbed motorcycle of the informant were recovered and four accused persons were apprehended. The apprehended co-accused persons disclosed the name of two other persons including the petitioner, who escaped from the scene.

It is submitted by learned counsel for the petitioner that the petitioner was not apprehended from the spot. His name subsequently sprang up on the confession of apprehended co-accused persons. It is further submitted that recovery has not been made from the conscious physical possession of the petitioner and the informant has subsequently retracted from his initial version.

Learned APP submits that the name of the petitioner sprang up on the confession of apprehended co-accused persons.

Considering the fact the petitioner's name sprang up on the confession of apprehended co-accused and recovery not being made from the conscious physical possession of the petitioner, let the above named petitioner be released on anticipatory bail in the event of arrest/surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of



learned Sub Judge-cum-Additional Chief Judicial Magistrate,
Begusarai in connection with Balia P.S. Case No. 231 of 2018,
subject to the condition as laid down under Section 438(2) of
the Cr. P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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