

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16726 of 2019

Arising Out of PS. Case No.-340 Year-2018 Thana- WAJIRGANJ District- Gaya

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MUKESH @ MUKESH KUMAR @ CHHOTU, Son of Bishun Prasad
Resident of Village - Tungi, P.S.- Hisua, Distt - Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Devendra Kumar

For the Opposite Party/s : Mr. Mithlesh Kumar Khare

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 25-03-2019 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 467, 468, 471, 420,
413 and 414/34 of the Indian Penal Code.

The prosecution case as per the written report of Sujit
Kumar, S.I.-cum-S.H.O., Wazirganj P.S. submitted before the
A.C.J.M.-I, Gaya is to the effect that the informant received a
secret information that some miscreants have gathered in the
house of co-accused, Balram Kumar and are preparing to
commit offence. Consequently, a raid was laid and three persons



were apprehended, who disclosed their names as co-accused, Balram Kumar, Sonu Kumar and Gautam Kumar @ Kaila. From the possession of the apprehended accused persons, several ATM Cards, ATM clone machine, Pan Cards, Aadhar Cards, Cash and other articles were recovered. It is further alleged that the name of the petitioner sprang up on the confessional statement of the apprehended accused persons.

It is submitted by learned counsel for the petitioner that no recovery has been made from the conscious physical possession of the petitioner. It is further submitted that the petitioner was not present at the place of seizure. 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 that the name of the petitioner sprang up on the confessional statement of the apprehended co-accused persons.

Considering the fact that the petitioner was not apprehended on the spot and nothing has been recovered from the conscious physical possession of the petitioner, 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-I, Gaya**, in connection with **Wazirganj P.S. Case No.340 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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