

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 23718 of 2019**

Arising Out of PS Case No.-318 Year-2018 Thana- MAHUA District- Vaishali

Kundan Kumar (Male), Son of Vishwanath Ray, aged about 25 years,
Resident of Village - Rajapakar Chauri Par, P.S.- Rajapakar, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mritunjay Kumar, Advocate

For the State : Mr. Jharkhandi Upadhyay, APP

**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH**

ORAL JUDGMENT

Date : 08-08-2019

Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends arrest in connection with
Mahua PS Case No. 318 of 2018 dated 06.10.2018 instituted
under Sections 395 and 397 of the Indian Penal Code.

3. The petitioner along with five others is accused of
robbing a Bank office.

4. Learned counsel for the petitioner submitted that he
was not caught at the spot as there is no recovery from him. It was
further submitted that only on the basis of the person caught at the
spot, who has taken his name, he was implicated falsely in the
case. Learned counsel submitted that the petitioner belongs to the
same village as that of the accused who were caught and due to



local politics, he has been named. It was further submitted that the petitioner has no criminal antecedent.

5. Learned APP submitted that the persons caught have taken the name of the petitioner and admittedly, there were six persons involved, out of which four had run away and only two were caught. Learned counsel submitted that there cannot be any false implication in view of the submission of learned counsel for the petitioner himself that he belongs to the same village as that of the other accused who has been arrested as it is hard to believe that there would be any political rivalry between such persons, especially when the petitioner is young. Learned counsel submitted that the name of the petitioner being taken by the accused who were caught, clearly shows his complicity in the crime of robbing Rs. 70,000/- as also Rs. 1,600/- and a mobile phone of a lady customer.

6. Having considered the fact and circumstances of the case and submissions of learned counsel for the parties, the Court is not inclined to enlarge the petitioner on anticipatory bail.

7. Accordingly, the application stands dismissed.

8. As the petitioner had been granted provisional anticipatory bail earlier by order dated 16.04.2019, his bail bonds stand cancelled. He shall surrender before the Court below within



two weeks from today, failing which the Court below shall take all
necessary steps to ensure that he is produced before the Court.

(Ahsanuddin Amanullah, J.)

P. Kumar

AFR/NAFR	
U	
T	

