

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.67649 of 2018

Arising Out of PS. Case No.-11 Year-2018 Thana- BANKA District- Banka

Mithilesh Thakur, aged about 26 years, Son of Shaligram Thakur, Resident of Village- Bhanga, P.S. Barahat, District- Banka.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Shiw Kumar Prabhakar, Advocate.
For the Opposite Party : Mr. Yogendra Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 17-01-2019 Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner is apprehending his arrest in a case for the offence registered under Sections 395, 397 and 120(B) of the IPC.

The prosecution story, in brief, is that on 26.01.2018 Mangal Pandit called the informant on phone at his house to make payment of Rs. 2,00,000/- to him with regard to sale of a piece of land. He alongwith Villager Devi Mandal went to his house. Mangal Pandit gave Rs. 2,00,000/- to the informant. The informant kept the aforesaid amount in the *Dickey* of his Motorcycle and proceeded alongwith Devi Mandal. As soon as, he proceeded ahead, six persons riding on three motorcycles stopped his Motorcycle, assaulted them, snatched Rs.



2,00,000/-, Mobile and documents of the vehicle. After some time, Mangal Pandit, Binod Pandit and Bihari Pandit came at the place of occurrence and said that they heard about the incident. He suspected that the aforesaid persons might have took the aforesaid amount and other articles. Petitioner is not named in the F.I.R.

It has been submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has been made accused in the present case due to mistake of fact. Except for confessional statement of co-accused, there is no other substantive evidence to suggest the implication of the petitioner in the present case. There is no recovery from possession of the petitioner.

On behalf of the learned counsel for the State, it has been submitted that the petitioner is not named in the F.I.R. His name has come in course of investigation on the basis of confessional statement of co-accused. The allegation is of looting Rs. 2,00,000/- from the *Dickey* of the Motorcycle of the informant.

Considering the aforesaid facts and circumstances, I am not inclined to grant anticipatory bail to the petitioner. The



same is rejected in connection with Dhoraiya P.S. Case No. 11 of 2018, pending in the court of learned C.J.M. Banka. Anyhow, if the petitioner surrenders and prays for regular bail in the learned court below, the same shall be considered on its own merit without being prejudiced by this order of the Court.

(Sudhir Singh, J)

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