

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48271 of 2019

Arising Out of PS. Case No.-37 Year-2019 Thana- BIBHUTIPUR District- Samastipur

Roky Kumar @ Rauki Kumar, Son of Shyam Sundar Das @ Shyam Sundar
Sah Resident of Village - Karrakh, P.S.- Bibhutipur, District- Samastipur
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bijay Bhushan Prasad
For the Opposite Party/s : Mr.Amitesh Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 05-08-2019 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

Petitioner apprehends his arrest in connection with
Bibhutipur P.S. Case No.37 of 2019 for the offence punishable
under Sections 341, 353, 414, 504, 506/34 of the Indian Penal Code
and Section 28 of Arms Act.

The allegation against the petitioner as per the FIR is that
petitioner and others used to intercept and threaten the people with
the help of toy pistol, riding on a motorcycle. The police upon
information caught three persons and on inquiry the arrested
persons confessed that with the help of lighter gun, they used to
threaten the passerby and used to loot them. Name of the petitioner
has been disclosed by the arrested co-accused persons.

Learned counsel for the petitioner submits that petitioner
has got no criminal antecedent and falsely been implicated at the
behest of arrested co-accused persons. He further submits that toy



pistol has been recovered from the bushes and not from the possession of the petitioner.

After having heard learned counsel for the petitioner as well as learned counsel appearing on behalf of the State and taking into consideration the fact that the petitioner has got no criminal antecedent and there is no recovery of any pistol from the possession of the petitioner and there is also no recovery for any incriminating material from the possession of the petitioner, as such, I am inclined to grant anticipatory bail to the petitioner.

Accordingly, the petitioner, above named, is directed to surrender before the learned Court below within a period of four weeks from today and in the event of surrender by him, he shall be released on anticipatory bail by the Court below upon furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Ist Class, Rosera, Samastipur, subject to the condition as mentioned under Section 438 (2) of Cr.P.C.

(Anil Kumar Sinha, J)

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