

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58302 of 2019

Arising Out of PS. Case No.-166 Year-2011 Thana- SARAIYA District- Muzaffarpur

AMAR PRATAP SINGH, Son of Surendra Singh Resident of Village-
Shahmahmad Dumari P.S.-Paroo, District-Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bhavesh Kumar

For the Opposite Party/s : Mr.Manoj Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 20-11-2019 The petitioner apprehends his arrest in connection with
Saraiya P. S. Case No. 166 of 2011 registered under Section 392
of the Indian Penal Code.

The prosecution story as per FIR is that one Surendra Prasad along with other accused persons entered into the shop of the informant and on the gun point looted a sum of Rs. 60,000/- from the counter, one mobile set and also snatched away golden chain from the informant and fled away.

Mr. Bhavesh Kumar, learned counsel appearing on behalf of the petitioner submits that petitioner has falsely been implicated in this case inasmuch as from perusal of the FIR, it is evident that petitioner is not named in the FIR and named accused Surendra Kumar has committed offence along with three unknown persons. He further submits that in fact the



brother of the petitioner was arrested in another case being Karja P.S.Case No. 143 of 2011 and the name of the petitioner has transpired on the basis of alleged confessional statement made by brother of the petitioner before the police relating to the present case. Learned counsel further submits that petitioner was not aware about his involvement in the present case on the basis of confessional statement of his brother arrested in another case and as such he did not take step for anticipatory bail earlier. He also submits that the brother of the petitioner was not put on Test Identification Parade by the Investigating Officer in the present matter.

Having regard to the submissions made by the parties and taking into consideration the fact that name of the petitioner has been disclosed by his brother arrested in different case and no incriminating material or things has been recovered from the possession of the petitioner, as such I am inclined to grant anticipatory bail to the petitioner.

Let the petitioner, above-named, in the event of arrest or surrender before the court below within a period of four weeks from the date of receipt of a copy of this order, be released on bail upon furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of the learned ACJM



1st (West) Muzaffarpur in connection with Saraiya P.S.Case No.
166 of 2011; subject to condition as laid down under Section
438(2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

sujit/-

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