

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26252 of 2020

Arising Out of PS. Case No.-252 Year-2019 Thana- BARHARA KOTHI District- Purnia

PINTU KUMAR YADAV @ PINTU KUMAR Son of Dinesh Yadav Resident
of Village - Madhuban, P.S.- Janki Nagar, District - Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ram Prawesh Kumar

For the Opposite Party/s : Mr. Ram Sewak Choudhary

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 16-10-2020 The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel for the petitioner and Shri Ram Sewak Choudhary, learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with Barhara P.S. Case No. 252 of 2019 for the offence registered under Section 393 of the Indian Penal Code.

The case of the prosecution in brief is that while the informant was coming back to his village on 28.11.2019, on the way, 3-4 miscreants had stopped him and on pistol point had tried to snatch the motorcycle of the informant, however, upon information, the villagers of Nakurjan village had arrived there whereafter the miscreants had tried to flee away alongwith one



another person's motorcycle, however, one accused person, namely, Vikash Kumar was apprehended.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case and is having a clean antecedent. It is further submitted that the name of the petitioner has transpired in the present case on account of the confessional statement made by the co-accused person, namely, Vikash and Krishna Bharti. However, it is submitted that neither recovery of any looted articles/motorcycle has been made from the petitioner nor any other evidence has come on record to connect the petitioner with the alleged crime.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the fact that the petitioner is having a clean antecedent and moreover his name has been roped in the present case merely on suspicion and that too on the basis of confessional statement made by the co-accused persons, apart from the fact that no looted articles have been recovered from the petitioner, I deem it fit and proper to admit the petitioner to the privilege of



anticipatory bail.

Accordingly, the petitioner, above named, is directed to be released on anticipatory bail in the event of his arrest/surrender before the court below within a period of four 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 learned Judicial Magistrate-1st Class, Purnea in connection with Barhara P.S. Case No. 252 of 2019 subject to the conditions as stipulated under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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