

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27085 of 2020

Arising Out of PS. Case No.-146 Year-2017 Thana- JANDAHA District- Vaishali

BIPIN KUMAR Son of Lakhindra Ray, Resident of Village- Lakhanpur Tal,
P.S.- Desari, District- Vaishali at Hajipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anish Chandra

For the Opposite Party/s : Mr. Rajendra Nath Jha, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 13-11-2020 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 Rajendra Nath Jha, the learned A.P.P. appearing for the State.

The petitioner apprehends his arrest in connection with Jandaha P.S. Case No. 146 of 2017 for the offence punishable under Section 395 of the Indian Penal Code.

The case of the prosecution in brief is that while the informant was returning back to his home from Gaya on the alleged date and time of occurrence and had reached near the small bridge situated at village- Chakfatah Bhawda, suddenly



one Alto car had overtaken his Scorpio vehicle and then five miscreants, armed with small weapons, had surrounded the informant. It is further alleged that the said miscreants had then broken the glass of the window of the Scorpio vehicle and had opened the door of the vehicle, whereafter they started assaulting and abusing the informant. It is the further case of the informant that the said miscreants had then snatched one mobile phone, a sum of Rs. 2300/- and 4500/- respectively and other articles from the informant and the co-passengers and had then fled away along with the Scorpio vehicle and the Alto Car.

The learned counsel for the petitioner has submitted that the petitioner is innocent, 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 only on the basis of the confessional statement of the co-accused person namely Roshan Kumar. It is also submitted that neither any recovery of the looted articles have been made from the petitioner herein nor any evidence has been collected during the course of investigation so as to connect the petitioner with the alleged crime.

Per contra, the learned Additional Public



Prosecutor has vehemently opposed the prayer for anticipatory bail, made by the petitioner.

Having regard to the facts and circumstances of the case, considering the submissions advanced by the learned counsel for the parties and taking into account the fact that the petitioner is having a clean antecedent and moreover, his name has transpired in the present case merely on the basis of confessional statement of one Roshan Kumar, I deem it fit and proper to admit the petitioner to the privilege of anticipatory bail.

Accordingly, in the event of arrest or surrender before the learned court below within a period of four weeks from today, the petitioner, above named, is directed to be released on anticipatory bail on furnishing bail-bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Vaishali at Hajipur in connection with Jandaha P.S. Case No. 146 of 2017, subject to the conditions as laid down under Section 438(2) Cr. P.C.

(Mohit Kumar Shah, J)

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