

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66361 of 2019

Arising Out of PS. Case No.-165 Year-2014 Thana- BIKRAM District- Patna

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Sumeru Kumar @ Abhishek Kumar Son of Rabindra Prasad Yadav Resident
of Village - Chainpura, Dariapur Tola, P.S.- Naubatpur, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Saroj Kumar Sharma

For the Opposite Party/s : Mr.Akshay Lal Pandit

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

6 05-03-2020 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending his arrest in a case
registered for the offence punishable under Section 395 of the
Indian Penal Code.

The prosecution case as per the written report of
Amaranjay Tiwary submitted to the Station House Officer
of Bikram Police Station is to the effect that on 10.09.2014 at
3.00 A.M., the informant was going from Bikram to Naubatpur
by his tractor and as soon as he reached on the road
near Andharachauki village, two persons on a Discover
motorcycle came and signalled the informant to stop the
tractor but the informant did not stop and thereafter,
the informant came near Mahajpura more, he saw that three



persons were standing there and on the point of pistol made the tractor stop, snatched his mobile phone and cash amount of Rs.2700/- from the informant and two persons took away his tractor., and three persons tied the informant's hand, legs, mouth and eye and fled away, leading to registration of the FIR against unknown. The name of the petitioner sprang up on basis of the statement of co-accused Vikash Kumar during investigation.

It is submitted by learned counsel for the petitioner that in fact, the name of co-accused Abhishek Kumar sprang up during investigation whereas the name of the petitioner is Sumeru Kumar It is further submitted that the charge sheet has been submitted against other co-accused persons and the investigation is pending against the petitioner. A statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP after going through the case diary submits that the name of the petitioner during investigation.

Considering the fact that the name of the petitioner sprang up during investigation in the confessional statement of co-accused and investigation is still pending against the petitioner, coupled with the statement made in paragraph 3 of



the petition that the petitioner is not having any criminal antecedent, let the above named petitioner be released on anticipatory bail in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned A.D.J. Ist, Danapur in connection with Bikram P.S. Case No. 165 of 2014, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The petitioner will co-operate in the investigation. The non-cooperation of the petitioner in investigation will give liberty to the prosecution to file an application for cancellation of bail of the petitioner.

(Dinesh Kumar Singh, J)

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