

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79049 of 2019

Arising Out of PS. Case No.-127 Year-2017 Thana- JAMALPUR District-Munger

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1. Manish Kumar @ Lambu, aged about 22 years, Gender-Male,
 2. Anuj Kumar @ Billa, aged about 22 years, Gender-Male,
- Both are son of Lal Bihari Singh, resident of Bari Keshopur, Idgha road, P.S. Jamalpur, District-Munger.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kumar Kamal Nayan, Advocate

For the Opposite Party/s : Mr. Anuj Kumar Shrivastava, APP

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date :29-09-2020

The matter has been heard *via* video conferencing due to circumstances prevailing on account of the COVID-19 pandemic.

2. Heard Mr. Kumar Kamal Nayan, learned counsel for the petitioner no. 2, to whom the application is restricted, as petitioner no. 1 has already been arrested, and Mr. Anuj Kumar Shrivastava, learned Additional Public Prosecutor (hereinafter referred to as the ‘APP’) for the State.

3. The petitioner no. 2 apprehends arrest in connection with GR No. 2050 of 2017 arising out of Jamalpur PS Case No. 127 of 2017 dated 12.08.2017, instituted under Sections 457/380 of the Indian Penal Code.



4. The allegation against the petitioner no. 2 and others is of committing theft in the house of the informant.

5. Learned counsel for the petitioner no. 2 submitted that he has been falsely implicated only on the basis of confessional statement of co-accused Dhananjay Kumar. It was further submitted that there is no recovery from him and nobody had seen him committing the offence. Learned counsel submitted that he is an accused in another case of similar nature but that too is on the basis of confessional statement of same co-accused Dhananjay Kumar.

6. Learned APP, from the case diary, submitted that various witnesses had seen the petitioner no. 2 along with another co-accused after the theft discussing with regard to selling the stolen jewellery. It was further submitted that witnesses have also stated that petitioner no. 2 and his brother (petitioner no. 1) were involved in committing theft at other places also. It was submitted that petitioner no. 1, who is the full brother of petitioner no. 2, and is identically situated, is in custody and has not been released on bail, which itself indicates that sufficient materials against him have come during investigation

7. Having considered the facts and circumstances of



the case and submissions of learned counsel for the parties, the Court is not inclined to grant pre-arrest bail to petitioner no. 2.

8. Accordingly, the application stands dismissed.

(Ahsanuddin Amanullah, J)

Anjani/-

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