

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.731 of 2020

Arising Out of PS. Case No.-91 Year-2019 Thana- UDWANTNAGAR District- Bhojpur

BHAUKHALU NUT, Son of Yogindra Nut @ Jaj Nut, Resident of Village -
Anaith, P.S.- Ara Nawada, Distt - Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Uday Kumar

For the Opposite Party/s : Mr.Anil Kumar

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 24-02-2020 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 Sections 379, 411, 34 of the Indian Penal Code.

Prosecution case is that as per written complaint of the informant Rita Devi wherein she stated that after attending marriage ceremony from village Bihya she was coming to her matrimonial house by tempo and reached Ara and from Ara along with her children she changed tempo and boarded in tempo from Asdhan. All her luggage tempo stopped near Anai Mahima and four people had boarded in tempo and sat on Chajja (roof) of tempo and when tempo reached near village Maldhar at 12.45 then the person who were sitting on the roof of



tempo asked the driver of tempo to stop tempo and the moment tempo stopped then all the four persons after leaving tempo started running then she had suspicion and she opened her luggage but she had not found her jewellery and cash then she raised alarm chor chor and two accused caught by the villagers and two persons successful to run away. And accused persons disclosed their name of Jitander Vikas, Nanda Nat and Bhaukalu Nat (petitioner) and from the person caught Rs. 8,000/- recovered from his full pant and from the pocket of Jatinder Paswan gold earrings recovered and accused was handed over to the police and further she deposed that rest of articles were removed from her luggage by the remaining accused persons.

Learned counsel for the petitioner submits that the petitioner was neither arrested on the spot nor anything has been recovered from his conscious possession or from his house, but merely on the statement of co-accused he has been made accused in this case. The petitioner has got no criminal antecedent.

On perusal of the entire facts mentioned above it is clear that except statement of co-accused there is no legal evidence to connect this petitioner in the present case.

In the aforesaid facts and circumstances of the case,



let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of six weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bonds of Rs. 20,000/- (rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Bhojpur at Ara, in connection with Udwanthnagar P.S. Case No. 91 of 2019, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anjani Kumar Sharan, J)

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