

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86853 of 2019

Arising Out of PS. Case No.-952 Year-2019 Thana- ARA NAWADA District- Bhojpur

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APPU DUBEY @ KUNAL DUBEY, Son of Late Satya Narayan Dubey @
Dubeyji, Resident of Mohalla-Mill Road, Tata Tower Gali, P.S-Ara Nawada,
District-Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nitya Nand Tiwary, Adv.
Mr. Mukesh Kumar, Adv.

For the Opposite Party/s : Mr. Kanhaiya Kishore, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 24-02-2020 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner is apprehending arrest in a case registered
for the offences punishable under Sections 379, 414 and 420 of
the Indian Penal Code.

The prosecution case got initiated on the basis of written
report of Awadhesh Kumar Singh submitted before the Station
House Officer, Ara, Nawada Police Station is to the effect that
after having received secret information to the effect that Vikash
Kumar along with other co-accused persons is standing near an
ATM with an intention to commit ATM fraud, the raid was laid
when on seeing the police, three persons tried to escape from the
scene, but on chase being made by the police, out of three, two



co-accused persons were apprehended. The apprehended co-accused suggested their names as Vikash Kumar and Sudhir Kumar and they also suggested the name of the accused who escaped from the scene as Appu Dubey @ Kunal Dubey, the petitioner. They further suggested that they were standing near the ATM to withdraw money after changing the ATM card from other persons and they are being facilitated at the behest of the petitioner.

It is submitted by learned counsel for the petitioner that neither the petitioner has been apprehended from the place of occurrence nor any incriminating article has been recovered from his possession, but only on the basis of confessional statement of co-accused, he has been roped in the present case. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

It is submitted by learned APP for the State that the petitioner's name sprang up on the basis of confessional statement of co-accused.

Considering the fact that no recovery has been made from the possession of the petitioner nor the petitioner has been apprehended from the spot coupled with statement made in paragraph no.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 12 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 the learned CJM, Bhojpur at Ara, in connection with Ara Nawada P.S. Case No.952 of 2019, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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