

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14449 of 2020

Arising Out of PS. Case No.-473 Year-2019 Thana- MADHEPURA District- Madhepura

SHANKAR KUMAR S/o Mahendra Yadav Resident of Village- Yadav Nagar,
P.S.- Madhepura, Distt- Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Durgesh Kumar, Advocate

For the Opposite Party/s : Mr.Bishweshwar Ram, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 04-01-2021 Heard the learned counsel for the petitioner and Shri
Bishweshwar Ram, the learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with Madhepura (Bharrahi) P.S. Case No. 473 of 2019 for the offence registered under Section 392 of the Indian Penal Code.

The allegation is regarding some unknown miscreants having intercepted the informant while he was returning to Madhepura, after collecting money to the tune of Rs. 75,600/- from different villagers. It is also alleged that the said miscreants had then snatched the said cash amount from the informant apart from snatching his power bank and mobile phone etc.

The learned counsel for the petitioner has submitted that the petitioner is innocent and he has been falsely implicated



in the present case. It is further submitted that the name of the petitioner has transpired during the course of the confessional statement made by the co-accused person namely Rakesh Kumar, however, no recovery of the looted articles has been made from the petitioner herein, hence the petitioner is having no complicity in the matter.

Per contra, the learned counsel for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions of the learned counsel for the parties and taking into account the materials available on record as also those available in the case diary, I find that the only material to connect the petitioner with the alleged occurrence is the confessional statement of the co-accused person Rakesh Kumar, however, the fact is that the looted articles have been recovered from the possession of the said co-accused person namely Rakesh Kumar and not from the petitioner herein, hence I deem it fit and proper to grant benefit of doubt to the petitioner herein for the purposes of grant of anticipatory bail.

Accordingly, the petitioner, above named, is directed to be released on anticipatory bail in the event of his arrest/surrender before the court below within a period of four



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 learned Chief Judicial Magistrate, Madhepura in connection with Madhepura (Bharrahi) P.S. Case No. 473 of 2019 subject to the conditions as stipulated under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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