

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30816 of 2020

Arising Out of PS. Case No.-739 Year-2019 Thana- SAHARSA District- Saharsa

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GOLU KUMAR @ GOLU KUMAR YADAV Son of Late Raja Yadav
Resident of Village- Khamauti (Khamhauti), P.S.- Bakhtiarpur, District-
Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Bhim Kumar Yadav
	:	Mr.Mahendra Thakur
For the Opposite Party/s	:	Mr.Akbar Ali (APP)

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

4 08-02-2021

Heard learned counsel for the parties.

This application for anticipatory bail arises out of Saharsa Sadar P.S. Case No. 739 of 2019 for the offences punishable under Sections 356, 379, 327 and 34 of the Indian Penal Code.

It is the prosecution's case that the informant, an employee of Private Financial Company, was robbed of all his valuables including cash and a mobile phone. On enquiry, name of one Monty Kumar transpired as one of the miscreants, who were riding in a motorcycle and had snatched the cash from the informant. During the course of investigation, co-accused Monty Kumar was apprehended by the police, who is said to



have confessed his participation in commission of the offence.

Learned counsel appearing on behalf of the petitioner has submitted that except for the confessional statement of co-accused Monty Kumar, there is no material collected in course of investigation by the police to justify the petitioner's complicity. He has further submitted that based on the alleged confessional statement of co-accused Monty Kumar, there has been no recovery by the police nor the petitioner has been put to T.I. Parade. The petitioner has criminal antecedent inasmuch as he is an accused in a complaint case.

On careful perusal of the case diary, it transpires that the statement of co-accused Monty Kumar was recorded in course of investigation by the police is the only material against the petitioner.

Considering the fact and circumstances, this application is allowed.

Let the petitioner above named, in the event of his arrest/surrender within six weeks from today in the Court below, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Saharsa in Saharsa Sadar P.S. Case No. 739 of 2019, subject to the conditions as laid down



under Section 438(2) of the Code of Criminal Procedure. This is subject to the condition that the petitioner shall present himself before the Police/Court, as the case may be, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

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