

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31017 of 2020

Arising Out of PS. Case No.-389 Year-2013 Thana- KAJI MUHAMMADPUR District-
Muzaffarpur

ARBIND KUMAR, S/o Upendra Dhankar, R/o Mohalla - Sadpura Milki Tola,
P.S. - Kaji Mohammadpur, District - Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mahasweta Chatterjee, Advocate

For the Opposite Party/s : Md. Mustaq Alam, A.P.P.

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

4 23-02-2021 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner is apprehending his arrest in a case registered for the offence punishable under Section 392 of the Indian Penal Code.

The informant was looted away by three persons on the point of pistol. One was apprehended by the people when informant made alarm. He disclosed his name as Jitendra Kumar Mahto and name of co-culprit as Md. Tanvir and the petitioner.

Submission is that the petitioner is neighbour of Jitendra Kumar Mahto and has enmity with Jitendra Kumar Mahto that is why Jitendra Kumar Mahto has named the petitioner. Initially, the police had not submitted charge sheet against the petitioner, rather charge sheet was submitted against Jitendra Kumar Mahto and another. Petitioner has got no criminal antecedent.

Considering the fact that the case is of the year 2013 and



besides confession of co-accused, there is no other material against the petitioner and confession before the police while in police custody has got no evidentiary value, let the petitioner, above named, in the event of his arrest or surrender before the learned Court below within a period of thirty days from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs.20,000/- (rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending in connection with Kaji Mohammadpur Police Station Case No. 389 of 2013, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure as well as subject to the following conditions:-

(a) The petitioner shall fully cooperate with the investigation/trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the petitioner.

(b) Both the bailors shall be resident of the territorial jurisdiction of the learned court below.

(c) The petitioner shall not leave the country without permission of the trial court.

(Birendra Kumar, J)

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