

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 35499 of 2020

Arising Out of PS Case No.-298 Year-2019 Thana- DESARI District- Vaishali

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Anshu Kumar, aged about 30 years (Male) Son of Mahesh Jayswal resident of
Village + PO +PS - Desari, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. SSP Yadav, Advocate

For the State : Mr. Raj Ballabh Singh, APP

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 21-06-2021

The matter has been heard *via* video conferencing.

2. Heard Mr. SSP Yadav, learned counsel for the petitioner and Mr. Raj Ballabh Singh, learned Additional Public Prosecutor (hereinafter referred to as the ‘APP’) for the State.

3. The petitioner apprehends arrest in connection with Desari PS Case No. 298 of 2019 dated 28.08.2019, instituted under Section 395 of the Indian Penal Code.

4. The petitioner, though not named in the FIR, is alleged to be party to the dacoity committed in the house of the informant in which cash and various articles, including gold and silver jewellery have been looted as also documents.



5. Learned counsel for the petitioner submitted that he is not named in the FIR and only on the confessional statement of co-accused Nitesh Kumar, who was arrested by the police, he has also been implicated in the case. It was submitted that the petitioner has no criminal antecedent. It was also submitted that similarly situated co-accused Pumpum Chaudhary @ Mukesh Kumar by order dated 23.06.2020 in Cr. Misc. No. 9259 of 2020 and co-accused Krishna Paswan by order dated 05.02.2021 in Cr. Misc. No. 27518 of 2020, have been granted anticipatory bail. Learned counsel submitted that even otherwise, there is no injury caused to any inmate of the informant's family.

6. Learned APP submitted that there is no reason for the co-accused to falsely take the name of the petitioner as one of the persons who was part of the 10-15 persons who had committed the crime. It was also submitted that from co-accused Nitesh Kumar, who was arrested, there is recovery pistol, two cartridges and looted silver *payal* and nose pin.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with



two sureties of the like amount each to the satisfaction of the learned Court concerned, Vaishali in Desari PS Case No. 298 of 2019, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973 and further, (i) that one of the bailors shall be a close relative of the petitioner, (ii) that the petitioner and the bailors shall execute bond with regard to good behaviour of the petitioner, and (iii) that the petitioner shall also give an undertaking to the Court that he shall not indulge in any illegal/criminal activity, act in violation of any law/statutory provisions, tamper with the evidence or influence the witnesses. Any violation of the terms and conditions of the bonds or the undertaking shall lead to cancellation of his bail bonds. The petitioner shall cooperate in the case and be present before the Court on each and every date. Failure to cooperate or being absent on two consecutive dates, without sufficient cause, shall also lead to cancellation of his bail bonds.

8. It shall also be open for the prosecution to bring any violation of the foregoing conditions of bail by the petitioner, to the notice of the Court concerned, which shall take immediate action on the same after giving opportunity of hearing to the petitioner.



9. The application stands disposed off in the
aforementioned terms.

(Ahsanuddin Amanullah, J.)

P. Kumar

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