

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37010 of 2020

Arising Out of PS. Case No.-414 Year-2019 Thana- BIDUPUR District- Vaishali

Kaushal Kumar @ Kaushal Shyam, S/O Raju Kumar Rai @ Raju Kumar Shyam @ Raju Kumar, Resident Of Village - Rahimapur, P.S. - Bidupur, District – Vaishali.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mrs. Kanchan Kumari, Advocate.

For the Opposite Party : Mr. Uma Shankar Prasad Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 17-04-2021 Learned counsel for the petitioner is directed to remove the defects, as pointed out by the office, within a period of four weeks.

Heard learned counsel for the petitioner and learned A.P.P. for the State through Virtual mode.

The petitioner is apprehending his arrest in a case for the offence registered under Section 379 of the I.P.C.

The prosecution story, in brief, is that the informant being a Manager in Bharat Finance Inclusion Ltd., was going towards his branch alongwith his Assistant Binod Kumar on Motorcycle having cash Rs. 1,12,901/- in a bag. As soon as he reached near Bajrang Bali Temple, suddenly, two unknown persons dashed his Motorcycle. The informant fell down then



that persons took his bag, Samsung Mobile, A.T.M. Card, Photo copy of Driving License and Bio-Metric Machine and fled away.

It has been submitted by learned counsel for the petitioner that the petitioner has falsely been implicated in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner is not named in the F.I.R. His name has come in the present case on the basis of confessional statement of co-accused. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in the present case. There is no recovery of any incriminating article from conscious possession of the petitioner.

On behalf of the learned counsel for the State, it has been submitted that the petitioner is not named in the F.I.R.

Considering the aforesaid facts and circumstances of the case, let the petitioner above named, in the event of arrest or surrender before the learned court below within a period of eight weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) only with two sureties of the like amount each to the satisfaction of the learned, in connection with Biddupur P.S. Case No. 414 of



2019, subject to the conditions as laid down under Section
438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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