

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4776 of 2021**

Arising Out of PS. Case No.-199 Year-2019 Thana- SAHEBPUR KAMAL District-
Begusarai

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GOLU KUMAR ALIAS ABHINAV ANAND S/o Lalo Ray Resident of Vill.-
Sanokhar, P.S.- Alauli, Distt.- Khagaria

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shubhesh Pandey, Advocate.
For the Opposite Party/s : Mr. Uma Shankar Prasad, APP

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**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

2 05-04-2021 Heard learned counsel for the petitioner and learned A.P.P.
for the State through virtual court proceeding.

Learned counsel for the petitioner undertakes to remove the defects within four weeks of resumption of normal court proceeding. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

The petitioner seeks bail in connection with Sahebpur Kamal P.S. Case No. 199 of 2019 registered for the offence punishable under Sections 341, 323, 504, 379/34 of the Indian Penal Code, later on Section 392/411 of the Indian Penal Code has been added.

The crux of the prosecution case is that on 26.06.2019 at



about 9 P.M., informant departed with motorcycle bearing registration No. BR09F-1238 from Ballia to Khagaria. In the way four persons boarded on one motorcycle were also going. They stopped his motorcycle and started Mar-peat with him and snatched two mobiles, one is touch screen mobile of Lenovo company and second is general mobile of Samsung company and also looted cash of Rs. 10,000/- from his pocket and one black colour bag containing certificate of Matric, Mark sheet, certificate of computer, cloth etc. All miscreants were wearing Lungi, Ganjee and were aged about 20 to 25 years. Hence this case is filed.

It is submitted by learned counsel for the petitioner that petitioner has falsely been implicated in this case and has not committed any offence as alleged in the FIR. No such occurrence as alleged ever took place. He is quite innocent and has been falsely implicated in this case. He is neither named in the F.I.R. nor was apprehended on the spot and T.I.P. has also not been done. No incriminating article has been recovered from his conscious physical possession. He submits that petitioner is named in the F.I.R. on the confessional statement of co-accused persons and similarly situated co-accused person has been granted bail *vide* Cr. Misc. No. 71495 of 2019 dated 27.11.2019



The allegation levelled against the petitioner is not specific rather general and omnibus in nature. The petitioner has been languishing in custody since 27.06.2020.

There is nothing in the record indicating the complicity of the petitioner in the occurrence barring the confessional statement of the co-accused persons which has not evidentiary value in the eye of law.

Learned APP for the State opposed the bail petition.

Considering the facts aforesaid, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five 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 Sahebpur Kamal P.S. Case No. 199 of 2019.

(Anjani Kumar Sharan, J)

GAURAV S./-

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