

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5363 of 2022

Arising Out of PS. Case No.-42 Year-2021 Thana- RIGA District- Sitamarhi

Pankaj Kumar Son Of Ramawtar Bhagat @ Chauthi Bhagat R/O Village-
Bhawdepur, P.S.- Riga, District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sangeet Deokuliar, Adv.

For the Opposite Party/s : Mr. Mithlesh Kumar Khare, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

2 25-02-2022 Heard learned counsel for the petitioner and the State
through virtual mode.

Learned counsel for the petitioner is directed to remove the defect(s), as pointed out by the office, within a period of four weeks.

The petitioner is apprehending his arrest in Riga P.S. Case No. 42 of 2021 registered under Section 394 of the Indian Penal Code and 27 of the Arms Act.

Prosecution case in short is that while the informant's friend was returning to his shop with box of mobile and money on his motorcycle, in the way on gunpoint, the accused persons robbed of Rs. 1,45,000/- and the box of mobile phones and informant's two mobile phones.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. The petitioner



has been falsely implicated in the present case. The petitioner is not named in the FIR. As per the allegation, some unknown persons are said to have committed robbery. The name of the petitioner has transpired in this case on the basis of confessional statement of co-accused recorded under Section 161 Cr.P.C. 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 possession of the petitioner.

On behalf of the State, it is submitted that the petitioner is not named in the Complaint Case/F.I.R.

Considering the aforesaid facts and circumstances of the case, the petitioner, above named, in the event of arrest or surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount to the satisfaction of learned Chief Judicial Magistrate, Sitamarhi in connection with Riga P.S. Case No. 42 of 2021 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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