

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.17475 of 2021**

Arising Out of PS. Case No.-228 Year-2020 Thana- MADANPUR District- Aurangabad

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AMAN KUMAR @ GOLU KUMAR Son of Anil Singh Resident of Village -  
Doman Bigha, P.S.- Madanpur, Distt.- Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Birendra Kumar Singh, Advocate.

For the Opposite Party/s : Mr.APP.

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**CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR**  
**ORAL ORDER**

2      12-01-2022                      Heard Mr. Birendra Kumar Singh, learned counsel for  
the petitioner and learned APP for the State.

The petitioner seeks bail in anticipation of his arrest in  
connection with Madanpur P.S. Case No. 228 of 2020 instituted  
for the offence under Section 392 of the Indian Penal Code.

The F.I.R. has been registered against unknown by the  
informant whose motorcycle was snatched away by four  
miscreants. During the course of investigation, one Himanshu  
Kumar was arrested, who confessed his guilt and named a few  
of the persons as his accomplices. On the pointing of aforesaid  
Himanshu Kumar, the stolen motorcycle has been recovered  
from the house of the petitioner and another accused person.

Taking into account the afore-noted facts, one Chiku  
Kumar was granted anticipatory bail by this Court vide order



dated 23.12.2021 passed in Cr. Misc. No. 9394 of 2021 on the ground that nothing had been recovered from his constructive possession and the only material against him was the confession of an arrested accused person.

The case of Chiku Kumar is absolutely different from the case of the petitioner, from whose house, the stolen motorcycle has been recovered.

As there is no parity in the case of aforesaid Chiku Kumar and the petitioner, I am not inclined to grant anticipatory bail to him.

The prayer for anticipatory bail is rejected.

If the petitioner surrenders before the Court below and seeks bail, the court below shall take into account all relevant facts including that the petitioner is a student and shall pass an order in accordance with law without being prejudiced by the fact that the present petition on his behalf has not been entertained.

The application stands dismissed.

**(Ashutosh Kumar, J)**

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