

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25999 of 2022

Arising Out of PS. Case No.-689 Year-2021 Thana- DANAPUR District- Patna

AVINASH KUMAR SON OF SHEO KUMAR SONI RESIDENT OF LAL
KOTHI, DANAPUR, P.S.- DANAPUR, DISTRICT- PATNA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Krishna Pd. Singh, Sr. Advocate Mr. Bhaskar Shankar, Advocate
For the Opposite Party/s	:	Mr. Amit Kumar Rakesh, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 07-06-2022 Heard the learned senior counsel for the petitioner and
the learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with
Danapur P.S. Case No. 689 of 2021 for the offence registered
under Sections 379 and 356 of the Indian Penal Code.

The case of the prosecution in brief according to the
informant of the present case is that two unknown persons riding
on a Pulsar motorcycle snatched her gold chain worth Rs. 65,000/-
on the alleged date and time of occurrence while she was going to
bring her children from school. Similarly, in Danapur P.S. Case
No. 688 of 2021, it has been alleged that three boys riding on a
motorcycle had snatched the gold chain of the informant worth Rs.
45,000/- on the alleged date and time of occurrence while she was
going to bring her grand daughter from the Central School. The
informant of Rupuspur P.S. Case No. 504 of 2021 has alleged that



two persons riding on a motorcycle had snatched her gold chain on the alleged date and time of occurrence. The police is stated to have raided the house of the petitioner and one broken gold chain alleged to have been snatched by the unknown miscreants was recovered whereafter the petitioner has been made accused in all the aforesaid cases.

The learned senior counsel for the petitioner has submitted that though one broken stolen gold chain is stated to have been recovered from the house of the petitioner but the petitioner was also made an accused in another case bearing Rupuspur P.S. Case No. 504 of 2021 in which the petitioner has already been granted the privilege of anticipatory bail by a coordinate Bench of this Court vide order dated 18.05.2022 passed in Criminal Misc. No. 23918 of 2022. It is also submitted that the petitioner is a goldsmith by profession and he had no knowledge that the gold chain in question is a stolen property. It is further submitted that in one another case i.e. Danapur P.S. Case No. 688 of 2021, the petitioner has also been granted anticipatory bail by a coordinate Bench of this Court vide order dated 18.05.2022 passed in Criminal Misc. No. 23918 of 2022.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case



and taking into account the materials on record as also considering the fact that the case in which recovery of one stolen broken gold chain was made from the house of the petitioner, the petitioner has already been granted the privilege of anticipatory bail by a coordinate Bench of this Court apart from the fact that it has nowhere been alleged that the petitioner had snatched gold chain from the informant of the aforesaid cases, I deem it fit and proper to admit the petitioner herein to the privilege of anticipatory bail.

Accordingly, the petitioner, above named, is directed to be released on anticipatory bail in the event of his arrest/surrender before the court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-I, Danapur, District-Patna in connection with Danapur P.S. Case No. 689 of 2021 subject to the conditions as stipulated under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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