

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.43670 of 2022**

Arising Out of PS. Case No.-136 Year-2021 Thana- GORAUL District- Vaishali

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KABINDRA KUMAR @ ABHISHEK KUMAR @ BANTHA S/o Washist  
Sahni R/o Village - Raghunathpur Imadpur, P.s. Bhagwanpur, District -  
Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Ravish Mishra, Advocate

For the Opposite Party/s : Mr.Braj Kishore Pd., APP

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**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA**  
**ORAL ORDER**

2      12-09-2022                      Heard learned counsel for the petitioner and learned  
A.P.P. for the State.

The petitioner apprehends his arrest in a case registered  
for the offences punishable under Sections 394 and 411 of the  
Indian Penal Code read with Section 27 of the Arms Act.

The informant alleges that he was intercepted by two  
motorcycle borne criminals who snatched his mobile and Rs.  
3,200/- and one of the accused also fired.

Learned counsel for the petitioner submits that  
petitioner has antecedent of one case and from perusal of the  
allegations as alleged in the F.I.R. it would manifest that the  
occurrence took place on 06.03.2021 and thereafter the informant  
was taken to Bhagwanpur PHC but there his *fardbyan* was not



recorded by the police nor the PHC informed the police about the occurrence which creates a doubt with regard to the veracity of the allegation. It is further submitted that the informant in the F.I.R. has also alleged that from Bhagwanpur he was referred to P.M.C.H. and his *fardbyan* was recorded on 15.03.2021 and the F.I.R. came to be instituted on 18.03.2021, learned counsel thus submits that it absolutely does not stand to reason that when the informant in the F.I.R. does not even remotely suggest that he was in an unconscious state then why his *fardbyan* was not recorded, this amply demonstrates that petitioner was in a condition where his *fardbyan* could have been recorded but for the reasons best known, the same was not recorded at PHC Bhagwanur. Learned counsel next submits that the F.I.R. also does not disclose that as to when the informant was referred to PHC, further it is submitted that as per the information provided by the informant with regard to the motorcycle on which the criminals came to commit the crime was recovered from the house of Manish Kumar along with looted mobile. Learned counsel submits that Manish Kumar was arrested and he in his confessional statement has stated that it was this petitioner who fired at the informant, it is thus submitted that based on exculpatory and extra judicial confession, the petitioner came to be implicated when admittedly the looted articles were recovered



from the possession of Manish Kumar.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Goraul P.S. Case No. 136 of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

The petitioner is directed to cooperate in the investigation. In the event, if the police files an application before learned trial court that the petitioner is not cooperating in the investigation, then the learned trial court shall forthwith cancel his bail bonds after recording reasons.

**(Satyavrat Verma, J)**

Rishi/-

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