

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17556 of 2023

Arising Out of PS. Case No.-799 Year-2022 Thana- LAKHISARAI District- Lakhisarai

ABHISHEK @ NISHU KUMAR @ ABHISEK SON OF ARJUN PRASAD
R/O VILLAGE- PACHNA ROAD, WARD NO.23, P.S.- KABAIYA
(LAKHISARAI), DISTRICT- LAKHISARAI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rabi Bhushan, Advocate

For the Opposite Party/s : Mr.Rina Sinha, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 25-05-2023 Heard the learned counsel for the
petitioner and learned APP for the State.

This is an application for grant of anticipatory bail in connection with Lakhisarai (Kabaiya) P.S. Case No.799 of 2022, registered for offences under Sections 457, 380 and 411 of the IPC.

The case of the prosecution, in brief, is that when the informant was returning back from his in-laws' place and had arrived at the main gate of his house, on the alleged date and time of occurrence, he found that the lock of the main gate had been broken and theft had been committed and jewelry/cash amount, ATM Card, etc, had been



stolen by unknown thieves.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case. The learned counsel for the petitioner has further submitted that the petitioner is an accused in one another case but he is on bail in the said case. The learned counsel for the petitioner has also submitted that neither any incriminating/stolen articles have been recovered from the house of the petitioner nor there is any material on record to connect the petitioner with the alleged crime and his name has transpired in the present case merely on the basis of confessional statement of the co-accused person, namely, Prabhakar Kumar @ Munna, which has got no evidentiary value in the eyes of law.

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, considering the submissions made by the learned counsel for the parties and taking into account the materials



available on record as also considering the fact that neither any incriminating/stolen articles have been recovered from the house of the petitioner nor there is any evidence on record to connect the petitioner with the alleged crime, I deem it fit and proper to admit the petitioner to the privilege of anticipatory bail.

Accordingly, the above named petitioner is directed to be enlarged on anticipatory bail, in the event of his arrest or surrender before the court below, within a period of four weeks from the date of receipt/production of a copy of this order, on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Lakhisarai in connection with Lakhisarai (Kabaiya) P.S. Case No.799 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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