

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37484 of 2023

Arising Out of PS. Case No.-68 Year-2022 Thana- NOWKOTHI GARHPURA District- Begusarai

PINKESH KUMAR Son of Manoj Singh Resident of village- Chak
Muzzaffar, P.S. - Nawkothi, Distt. - Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar Jha, Advocate
For the Opposite Party/s : Mr.Navin Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 21-07-2023 1. Heard the learned counsel for the petitioner and the
learned A.P.P. for the State.

2. This is an application for grant of anticipatory bail in connection with Nawkothi PS case no. 68 of 2022, registered for the offences punishable under Sections 392, 397/34 of the Indian Penal Code.

3. The prosecution story, in brief, is that while the informant and his cousin brother were travelling on a motorcycle, four unknown miscreants, being armed with pistols and sticks, had intercepted them, whereafter they had snatched one mobile phone, a sum of Rs. 37,000/-, 08 A.T.M. cards, driving licence etc.

4. The learned counsel for the petitioner submits that



the petitioner is innocent, he has been falsely implicated in the present case and is having a clean antecedent. The learned counsel for the petitioner has further submitted that the name of the petitioner has transpired upon the confessional statement made by the co-accused person namely Krishna Kumar @ Lakri, from whose possession, a sum of Rs. 6,000/- was recovered, which has got no evidentiary values in the eyes of law. It is also submitted that no recovery of looted articles/ cash amount has been made from the possession of the petitioner.

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

6. 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 the petitioner is having a clean antecedent and his name has transpired in the present case upon the confessional statement made by a co-accused person, which has got no evidentiary value in the eyes of law, I deem it fit and appropriate to admit the petitioner to the privilege of anticipatory bail.

7. Accordingly, the abovenamed petitioner, in the event of his arrest or surrender before the court below within a



period of six weeks from the date of receipt/ production of a copy of this order, is directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned court of Chief Judicial Magistrate, Begusarai in connection with Nawkothe PS case no. 68 of 2022, subject to the conditions as laid down under Section 438(2) of Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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