

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42697 of 2023

Arising Out of PS. Case No.-3 Year-2022 Thana- HATHUA District- Gopalganj

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ROHIT KUMAR SON OF AWADHESH BAITHA RESIDENT OF
VILLAGE MANICHHAPER, P.S. - HATHUA, DISTRICT - GOPALGANJ

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Javed Aslam, Advocate

For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 10-08-2023 1. Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 457 and
380 of the Indian Penal Code.

3. Learned counsel for the petitioner submits that the
petitioner has antecedent of three cases, but then, it is submitted
that prior to institution of the present FIR, petitioner was a
person with clean antecedent. It is next submitted that the
informant alleges that on 02.01.2022 some unknown thief
committed theft of ornaments and cash worth Rs. 3,77,500.

4. Learned counsel for the petitioner submits that the
petitioner was not apprehended from the spot as such, nothing
was recovered from his conscious possession and the FIR was



against unknown and his name transpired in the confessional statement of Golu Kumar in police custody which does not have any evidentiary value. It is next submitted that when Golu Kumar was arrested, he in his confession, implicated the petitioner in all the four cases including the present one, it is further submitted that this precisely was the reason why a submission at the outset, was made that petitioner prior to institution of the present FIR, was a person with clean antecedent.

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

6. 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 trial court 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 trial court where the case is pending/successor court in connection with Hathua P.S. Case No. 03 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. One of the bailor of the petitioner shall be his father



Awadhesh Baitha.

(Satyavrat Verma, J)

Adnan/-

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