

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46512 of 2022

Arising Out of PS. Case No.-128 Year-2015 Thana- MINAPUR District- Muzaffarpur

AMARNATH RAI S/o Ramadhar Ray Resident of Village - Gaushnagar
Dhaw, P.S.-Runnisaidpur, District - Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mahendra Thakur,Advocate
For the Opposite Party/s : Mr.Asha Devi,APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 02-01-2023 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner apprehends his arrest in connection
with Minapur P.S. Case No. 128 of 2015 for the offence
registered under Sections 395 and 397 of the Indian Penal Code.

As per the prosecution story, the informant alleged
that after participating in polio vaccination training, as he was
returning, accused persons surrounded him and try to decamp
with Rs. 5,000/- and gold chain worth Rs. 60,000/- as also the
mobile set. However, as the informant raised alarm, the villagers
assembled, as a result whereof the accused persons tried to
escape. However, two of them were apprehended namely, Md.
Akhtar and Raju Kumar and subsequently on their confessional
statement, the name of the petitioner herein cropped up.

Learned counsel for the petitioner submits that he do



not have any criminal antecedent and his name has been taken in the confessional statement only because he is on inimical terms with Raju Kumar, one of the apprehended co-accused. It is his further submission that charge sheet stands submitted against the two accused persons Raju Kumar and Md. Akhtar.

Learned APP for the State, on the other hand, opposes the prayer for bail and submits that the accused persons including the petitioner herein were part of the snatching of the amount from the informant.

Taking into account the fact that he has not been apprehended from the spot, his name has come in the confessional statement, has clean antecedent, this Court is inclined to grant him privilege of anticipatory bail. However, if it is found that he do have criminal antecedent, this anticipatory bail order shall become infructuous.

In the aforesaid circumstances, the petitioner in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned CJM, Muzaffarpur in connection with Minapur P.S. Case No. 128 of 2015 subject to condition as laid down under



Section 438(2) of the Cr.P.C.

(Rajiv Roy, J)

Jagdish/Neha/-

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