

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53668 of 2023

Arising Out of PS. Case No.-115 Year-2021 Thana- PUNAURA District- Sitamarhi

Raju Kumar S/O Ram Pukar Mahto R/O Village- Buniyadganj, Dhankaul,
Ward No. 11, Ps.- Riga, Dist. Sheohar

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Krishna Kant Singh, Advocate

For the Opposite Party/s : Mr.Ram Sumiran Rai, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

- 2 23-08-2023 1. Heard the learned counsel for the petitioner and learned APP for the State.
2. This is an application for grant of anticipatory bail in connection with Punaura P.S. Case No.115 of 2021, registered for offences under Sections 395, 397, 307 of the IPC and Section 27 of the Arms Act.
3. The case of the prosecution, in brief, is that when the informant was returning back to his house from Sitamarhi on his motorcycle on 15.07.2021 and had reached near Kharka village, 6-7 persons had intercepted him and snatched his motorcycle as also had snatched his purse



containing a sum of Rs.35000/- and a mobile phone. It is also alleged that when the cousin brother of the informant had reached there, the accused persons had also snatched a sum of Rs.23000/- and ATM card etc. from him.

4. The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case and he is having a clean antecedent. The learned counsel for the petitioner has further submitted that the name of the petitioner has transpired in the present case, merely on the confessional statement made by the co-accused person, namely, Babul Kumar, which has got no evidentiary value in the eyes of law, hence the petitioner is not having any complicity in the alleged crime. It is also submitted that there is no recovery, either from the petitioner or his house. Lastly, it is submitted that similarly situated co-accused person has already been granted the privilege of anticipatory bail by a co-ordinate Bench of this Court, vide order dated 10.10.2022,



passed in Cr. Misc. No.64392 of 2021.

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 neither the petitioner has been arrested from the spot nor any looted articles have been recovered from his possession, apart from the fact that his name has transpired in the present case upon the confessional statement made by the co-accused person, namely, Babul Kumar, which has got no evidentiary value in the eyes of law and he is having a clean antecedent, I deem it fit and proper to admit the petitioner to the privilege of anticipatory bail.

7. 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, Sitamarhi in connection with Punaura
P.S. Case No.115 of 2021, 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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