

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56292 of 2023

Arising Out of PS. Case No.-87 Year-2023 Thana- MUFFASIL District- Aurangabad

ABHIMANYU KUMAR @ RAJA SON OF DILIP KUMAR THAKUR R/O-
GANJ MOHALLA NAWADIH ROAD AURANGABAD WARD NO. 9, P.S.-
AURANGABAD DISTT.-AURANGABAD

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shashi Shekhar Sharma, Advocate

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

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

- 2 30-08-2023 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 Muffasil (Aurangabad) PS case no. 87 of 2023, registered for the offences punishable under Section 394 of the Indian Penal Code and Section 27 of Arms Act.
3. The allegation is regarding unknown miscreants having looted one video camera, two photo cameras and three mobile phones from the informant and the said looted articles are stated to have been recovered from the house of co-accused person namely Md. Sehnabaz @ Pummy. It is alleged that another co-accused person namely Md. Shahrukh Khan had confessed his guilt with regard to the said occurrence



and had also disclosed that the petitioner was also present at the date and time of the said incident.

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 neither the looted articles have been recovered from the petitioner nor from his house and his name has transpired in the present case merely on the basis of the confessional statement of the co-accused person namely Md. Shahrukh Khan, made before the police, which has got no evidentiary value in the eyes of law, hence, it is submitted that the petitioner be granted benefit of doubt for the purposes of grant of bail.

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 no looted articles have been recovered either from the petitioner or from his house and moreover, his name has transpired upon the confessional statement made by the co-accused person, before the police,



which has got no evidentiary value in the eyes of law, apart from the fact that the petitioner is having a clean antecedent, 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, Aurangabad in connection with Muffasil (Aurangabad) PS case no. 87 of 2023, subject to the conditions as laid down under Section 438(2) of Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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