

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60914 of 2023

Arising Out of PS. Case No.-283 Year-2022 Thana- ATHMALGOLA District- Patna

Rakesh Kumar as per Seizure List Vikash Kumar @ Vikky Kumar, Son of
Ram Pravesh Choudhary, Resident Of Village - Mubarakpur, P.S. - Barh,
District - Patna

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar Pandey, Advocate
For the Opposite Party/s : Mr.Shyam Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 11-10-2023 Heard learned counsel for the petitioner and the
learned APP for the State.

2. The petitioner is apprehending his arrest in
connection with Athamalgola P.S. case No. 283 of 2022
registered for the offence punishable under Section 392 of the
Indian Penal Code.

3. The prosecution case, as per the written report of
the informant, is that on the alleged date, he left the office in
evening and was going on his motorcycle and as soon as he
moved 150 metres from the school, three unknown accused
persons, on the point of pistol, assaulted him and looted his bag
containing two mobile phones, other important documents and
also his other belongings.



4. The learned counsel for the petitioner submits that the petitioner is quite innocent and has not committed any offence rather he has been falsely implicated in this case due to village politics and enemies. It is further submitted that the petitioner is not named in the F.I.R. and his name has transpired in the confessional statement of co-accused Shahil Kumar in course of investigation. No incriminating article has been recovered either from the place of occurrence or from the actual physical possession of the petitioner. It is further submitted that allegations are quite omnibus and no specific overt act has been alleged against the petitioner. Learned counsel further submits that recovery of black Pulsar motorcycle from the petitioner is insufficient to connect the petitioner with the occurrence as the motorcycle has also not been put to identification by the informant or anyone else in course of investigation. The co-accused Golu Kumar @ Rohit Raj has been allowed anticipatory bail in similar circumstance and the co-accused Shahil Kumar, who has stated the petitioner's name while in custody has also since been granted bail vide order dated 17.05.2023 passed in Cr. Misc. No. 20275 of 2023.

5. Learned APP for the State has opposed the prayer for pre-arrest bail.



6. Considering the rival submissions, nature of allegation, claim based on parity, and the clean antecedent of the petitioner, this Court for the purposes of grant of bail is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for anticipatory bail of the petitioner is allowed.

7. Accordingly, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of four weeks from today, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Barh, Patna in connection with Athamalgola P.S. case No. 283 of 2022, subject to the conditions as laid down in Section 438(2) of the Code of Criminal Procedure as also subject to the following conditions:

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive



dates, his bail bond will be liable to
be cancelled.

(Madhuresh Prasad, J)

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