

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71501 of 2023

Arising Out of PS. Case No.-35 Year-2023 Thana- BARHIYA District- Lakhisarai

MURARI KUMAR S/o Abdhesh Dhari @ Awadhesh Dhari R/o village-
Sarmera, P.S.- Sarmera, District- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Rabi Bhushan, Adv.
		Ms. Rakhi Kumari, Adv.
For the Opposite Party/s	:	Mr.Nand Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 03-11-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Barahiya P.S. Case No. 35 of 2023 registered for the offences punishable under Section 394 of the Indian Penal Code.

3. As per prosecution case, four unknown miscreants are said to have assaulted the informant and the driver of his vehicle. It is further alleged that they took away Rs. 50,000/- from the informant along with his mobile phone. It is further alleged that they snatched Rs. 500/- and mobile phone from the driver of the vehicle of informant.

4. Learned counsel for the petitioner submits that



the name of the petitioner has transpired in this case on the basis of the confessional statement of co-accused Ravish Kumar. Except confessional statement of co-accused, there is nothing on record to demonstrate the complicity of the present petitioner with the alleged occurrence. The petitioner is quite innocent and has committed no offence as alleged in the FIR and he has falsely been implicated in this case. As per the seizure list, Rs. 5500/- has been recovered from the possession of co-accused Ravi Kumar and Rs. 3500/- has been recovered from the possession of co-accused Chandu Kumar. Nothing has been recovered from the conscious possession of the petitioner. In the light of the given facts and circumstances of the case, no case is made out against the petitioner and he bears no criminal antecedent.

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

6. Considering the facts and circumstances of the case, keeping in view clean antecedent of petitioner, argument advanced on behalf of both sides and also taking into consideration the material available on record, 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 bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Lakhisarai in connection with Barahiya P.S. Case No. 35 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. This application stands allowed.

(Alok Kumar Pandey, J)

asmit/-

U		T	
---	--	---	--

