

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73561 of 2022

Arising Out of PS. Case No.-153 Year-2021 Thana- NAUBATPUR District- Patna

1. AMIT KUMAR S/o Rajkumar Kumar R/v- Motipur, P.S.- Naubatpur, District- Patna
2. CHINKU KUMAR @ CHIKU KUMAR S/o Santosh Kumar R/v- Nagwan, P.S.- Naubatpur, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Samrendra Kumar Jha, Adv
For the Opposite Party/s : Mr. Mohammed Arif, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 29-04-2023 Heard Mr. Samarendra Kumar Jha, learned counsel
for the petitioners and Mr. Mohammad Arif, Additional Public
Prosecutor for the State.

2. Petitioners apprehend their arrest in connection
with Naubatpur PS Case No. 153/2021 dated 13.03.2021
registered for the offence punishable under Sections 323, 341,
379, 504, 506/34 of the IPC.

3. As per First Information Report, the informant,
while returning to his home from his shop, was intercepted by
co-accused, Raj Kumar and the petitioners who assaulted the
informant with butt of the pistol, abused him and snatched away
a sum of Rs. 33,000/- which was being carried by the informant
as a sale proceed.



4. Learned counsel for the petitioner submits that the petitioners have falsely been implicated in this case due to the fact that co-accused, Raj Kumar had given a sum of Rs. 40,000/- as loan to the informant and when the co-accused demanded his money back, the present case has been lodged. He next submits that petitioner no.2, Chinku Kumar @ Chiku Kumar is the nephew of the co-accused, Raj Kumar and the petitioner no.1 is his friend. He further submits that petitioner no.1 has got no criminal antecedent while petitioner no.2 has got one criminal antecedent registered as Naubatput PS Case No. 815/2019 under Sections 395, 397 of the IPC.

5. Regards being had to the submissions made by the parties and taking into consideration the marital on record and the fact the petitioner no.1 has got no criminal antecedent, I am inclined to grant anticipatory bail to the petitioner no.1.

6. Accordingly, let the petitioner, AMIT KUMAR, in the event of arrest or surrender within four weeks from today, be released on anticipatory bail, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-III, Danapur in connection with Naubatpur PS Case No. 153/2021, subject to the condition as laid down under



Section 438(2) CrPC.

7. Insofar as petitioner no.2, Chinku Kumar @ Chiku Kumar is concerned, he is having one criminal antecedent of the offences registered under Sections 395, 397 of the IPC, I am not inclined to grant anticipatory bail to petitioner no.2, keeping in mind the nature of the allegation made in the FIR. Accordingly, the anticipatory bail application of petitioner no.2 is, hereby, rejected.

(Anil Kumar Sinha, J)

perwez

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

