

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13223 of 2024

Arising Out of PS. Case No.-83 Year-2021 Thana- GWALPARA District- Madhepura

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Ankesh Kumar @ Jhingar Yadav Son of Anoj Yadav Resident of village -
Atalakha, P.S. - Basanahi, Dist.- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ramesh Kumar Singh, Adv.

For the Opposite Party/s : Mr.Nitya Nand Tiwary, APP

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**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 04-03-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Gwalpara P.S. Case No. 83 of 2021 instituted for the offences
under Section 394 of the Indian Penal Code and Section 27 of
the Arms Act.

3. As per prosecution case, while the Informant was
withdrawing Rs. 16,000/- from the Jhanjhari Bazar ATM, three
persons all aged about 20-22 years were standing near the ATM
along with motorcycle. After withdrawing the money, the
Informant was going his matrimonial home situated at
Mohammadpur on his motorcycle. In the meantime, all the
miscreants stopped the Informant and snatched the motorcycle



and cash from him. Upon protest, the accused persons fired upon the Informant which struck in the left arm of the Informant due to which he fell down. Thereafter, all the miscreants fled away from there.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case. The petitioner is not named in the F.I.R. and he has been made accused in this case only on the basis of the CCTV footage. He has further submitted that the occurrence was committed on 02.06.2021 but, the F.I.R. was instituted on 04.06.2021 and, thus, there is a delay of two days without there being any plausible explanation for the same. Nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner has no concern with the seized liquor. The petitioner has no criminal antecedent as has been stated in paragraph no.3 of the present bail application. The petitioner is languishing in judicial custody since 22.09.2023. No T.I.P. has been conducted in this case.

5. Learned counsel for the petitioner again submits that the similarly situated co-accused Banti Kumar has been granted bail by a Co-ordinate Bench of this Court vide order



dated 11.09.2023 passed in Cr. Misc. No. 45009 of 2023.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

7. Considering the entire facts and circumstances of the case and taking into account the period of custody of the petitioner as also the petitioner having no criminal antecedent as also the claim for bail based on parity, let the petitioner, abovenamed, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Gwalpara P.S. Case No. 83 of 2021.

(Rudra Prakash Mishra, J)

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