

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21648 of 2024

Arising Out of PS. Case No.-394 Year-2023 Thana- KARAHGAR District- Rohtas

Kundan Kumar @ Banti Kumar Son Of Kalika Singh Resident Of Village -
Semariya, P.S. - Kargahar, District - Rohtas

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Babu Nandan Prasad, Advocate

For the Opposite Party/s : Mr. Parmanand Prasad, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 04-04-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Kargahar P.S. Case No. 394 of 2023 for the offence punishable u/s 392 of the Indian Penal Code.

3. As per the prosecution case, two miscreants snatched Rs. 9000/- and a mobile phone from the informant and fled away from spot. The name of the petitioner transpired during investigation for being involved in the occurrence.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The name of the petitioner surfaced in this case on the basis of confessional statement of co-accused Mithilesh Kumar and Bobby Kumar. No incriminating article has been recovered



from the person or possession of the petitioner. There is no allegation of robbery of any motorcycle. The motorcycle which has been seized from Dalan of the petitioner belongs to his elder brother. There is complete violation of Section 100 of the Code of Criminal Procedure in the present case. Learned counsel further submits that recovery of mobile has been made from the co-accused Mithilesh Kumar. The co-accused Bobby Kumar was also arrested by police who disclosed the name of the petitioner and except the said confessional statement, nothing has been recovered from the possession of the petitioner. The petitioner has got antecedent of one criminal case and he is on bail in said case.

5. Learned A.P.P. for the State has vehemently opposed the prayer for anticipatory bail of the petitioner.

6. Considering the aforesaid facts and circumstances of the case and considering the vague nature of allegation, let the petitioner above named, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail-bond of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned Court concerned, Sasaram Rohtas in connection with Kargahar P.S. Case No. 394 of 2023



subject to conditions as laid down under section 438(2) of the
Code of Criminal Procedure.

7. The application stands allowed.

(Arun Kumar Jha, J)

Prakash/-

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