

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66868 of 2024

Arising Out of PS. Case No.-363 Year-2023 Thana- KHAGARIA District- Khagaria

Sumit Paswan @ Sumit Kumar, Son of Khedan Paswan, Resident of Village -
Bangraha, P.S. - Hasanpur, District - Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rahul Singh, Adv.

For the Opposite Party/s : Mr. Umanath Mishra, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 17-12-2024 Heard Mr. Rahul Singh, learned counsel for the
petitioner and Mr. Umanath Mishra, learned APP for the State.

2. The petitioner apprehends his arrest in connection with Khagaria P.S. Case No. 363/2023 dated 08.04.2023 registered for the offence punishable under Section 394 of the Indian Penal Code.

3. The main submissions advanced by learned counsel appearing for the petitioner are that the petitioner is a 18 year old boy, having fair and clean antecedent and the FIR was registered against unknown persons and the petitioner has been made accused mainly on the basis of information given by the police spy and according to him, some nearby people rushed to the spot of occurrence at the time of commission of the alleged occurrence and identified this petitioner but the said spy of police did not disclose the name of such gathered persons and



till date no statement of the said persons has been recorded by the police and accordingly, there is no admissible evidence against the petitioner to connect him to the alleged commission of loot. It is further submitted that as per prosecution story, the accused persons fled away leaving their motorcycle upon seeing the police vehicle and their motorcycle was seized by the police and regarding the ownership of the said motorcycle, investigation was done and it was found that the motorcycle belongs to some other person, namely, Dasrath Yadav and the said link also does not connect this petitioner to the alleged crime.

4. Learned APP appearing for the State has opposed the prayer for bail.

5. Considering the aforesaid submissions advanced by petitioner's counsel and mainly the petitioner's young age and his fair and clean antecedent, and also, the fact that the prosecution has not pointed out the admissible evidence against this petitioner to connect him to the alleged occurrence of loot, in my opinion, it is a fit case to grant the relief of anticipatory bail to the petitioner. Accordingly, let the petitioner named-above, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be



released 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 Court concerned in connection with Khagaria P.S. Case No. 363 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Shailendra Singh, J)

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