

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77241 of 2023**

Arising Out of PS. Case No.-328 Year-2019 Thana- RUNISAIDPUR District- Sitamarhi

Batohi Thakur @ Batohi Kumar S/O Ramekval Thakur R/O Vill-Madhampur,
PS-Rampurhari, Dist-Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Santosh Kumar, Advocate

For the Opposite Party/s : Mr. Kumar Veerendra Narayan, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 09-01-2024 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, if any, within a period of three weeks from today.

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

3. The petitioner is apprehending his arrest in connection with Runnisaidpur P.S Case No. 328 of 2019 dated 20.08.2019 registered for the offence punishable u/ss 392 of the Indian Penal Code and 25(1-b)a, 26, 35 Arms Act.

4. As per the prosecution case, on 20.08.2019, the informant after shutting his jewellery shop was returning to



his home along with his daughter Kanchan Kumari and son Raja Kumar on motorcycle with a bag containing gold ornaments worth Rs. 1,50,000/- and silver ornaments worth Rs. 50,000/-. When he reached near N.H.-77, four persons on two motorcycles came from behind and surrounded him and kicked his motorcycle. On the point of pistol, they snatched the bag containing gold and silver ornaments. The bag also contains two mobile sets and two SIM cards. The accused persons after taking the bag fled away towards Sitamarhi but a magazine from pistol of one of the accused person fell down which the informant had kept and produced it in the police station. The magazine was loaded with five bullets.

5. Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in this case. It is further submitted that from the F.I.R., it is evident that the petitioner is not named in the F.I.R and nothing has been recovered from his conscious possession. Learned counsel has further submitted that name of the petitioner has transpired on the confessional statement of the co-accused namely, Sudhir Kumar Sahni. The petitioner has one



criminal antecedent as stated in para 3 of the bail petition.

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

7. Considering the aforesaid facts and circumstances of the case, let the above named petitioner, 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, Sitamarhi in connection with Runnisaidpur P.S Case No. 328 of 2019, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure.

8. The application stands allowed.

(Chandra Prakash Singh, J)

Nilmani/-

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