

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83432 of 2024

Arising Out of PS. Case No.-12 Year-2024 Thana- LARJHAGHAT District- Samastipur

Fauji Kumar Son of Dinesh Mukhiya Resident of Village - Sakhwa, P.S. -
Bithan, District – Samastipur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shubhesh Pandey, Adv.

For the Opposite Party/s : Mr. Dashrath Mehta, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 10-01-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

02. In the present case, the petitioner is apprehending his arrest Larjhaghat P.S. Case No. 12 of 2024, registered for the alleged offences under Section 392 of the Indian Penal Code.

03. As per prosecution case, two miscreants on a bike dashed their motorcycle with the motorcycle of the informant and at gun point, took away Rs. 1 lakh, mobile phone and keys of bike from the informant. The name of the petitioner transpired during investigation for being involved in the robbery.

04. Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case merely on suspicion. The name of petitioner transpired in this case on the basis of confessional statement of co-accused.



The confessional statement of co-accused was forcibly taken by the police, which has got no legal sanctity. Nothing incriminating has been recovered from the conscious possession of this petitioner. Initially, the case was lodged under Section 392 of the Indian Penal Code and subsequently at the behest of the police, Section 411 of the Indian Penal Code was incorporated but the same is not applicable in the facts and circumstances. Learned counsel further submits that the petitioner is aged about 25 years and has got no criminal antecedent.

05. Learned A.P.P. for the State opposes the prayer for anticipatory bail. Learned APP submits that the looted cash of Rs. 6,000/- was recovered from the co-accused, who disclosed the name of petitioner.

06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the fact that no recovery has been shown from the petitioner and further considering the clean antecedent of the petitioner and possibility of false implication, let the petitioner above named, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand



Only) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-1st, Rosera, Samastipur, in connection with Larjhaghat P.S. Case No. 12 of 2024, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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