

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.678 of 2025

Arising Out of PS. Case No.-9 Year-2024 Thana- SARMERA District- Nalanda

Abhishek Kumar @ Golu, Male, aged about 24 years, Son of Manoj Sharma,
Resident of village- Buranichak, P.S.- Barh, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Kashyap, Advocate

For the Opposite Party/s : Mr. Ashok Kumar Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

2 17-01-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in connection
with Sarmera P.S. Case No. 09 of 2024 instituted for the
offences punishable under Section 392 of the Indian Penal
Code.

3. As per the prosecution case, some unknown
accused persons assaulted the informant by means of *fists and*
slaps also looted Rs. 20,000/-and Vivo company T2X 5G
mobile.

4. Learned counsel for the petitioner submits that
petitioner is innocent and has falsely been implicated in this
case merely on the basis of suspicion. He further submits that



petitioner is not named in the FIR. He submits that the name of the petitioner has been surfaced by the confessional statement of co-accused namely, Amit Kumar. He next submits that no any incriminating articles has been recovered from the conscious possession of the petitioner. The mobile was recovered from possession of the co-accused namely Amit Kumar and not the petitioner. He submits that no any witnesses have disclosed the name of the petitioner. He lastly submits that there is delay of two days for lodging of the FIR without any valid explanation. Petitioner has got two criminal antecedent as stated in para 3 of the petition.

5. Learned APP for the State has opposes the prayer for bail.

6. From perusal of the FIR and also perused the impugned order dated 28.11.2024 passed by the learned 7th Additional District and Sessions Judge, Nalanda, Bihar Sharif, it appears that petitioner is not named in the FIR. It also appears that on the basis of written report of the informant Ankit Kumar, FIR has been lodged under Section 392 of the Indian Penal Code against three unknown persons. During investigation some looted articles have been recovered from one co-accused Amit Kumar and name of the petitioner has been surfaced from the



confessional statement of said Amit Kumar. It also appears that petitioner has four criminal antecedent and investigation is pending, so considering the aforesaid facts and circumstances of the case and submissions of learned counsel for the parties as well as involvement of the petitioner in the alleged commission of offence, I am not inclined to grant bail to the petitioner.

7. Accordingly, the application stands dismissed.

(Ramesh Chand Malviya, J)

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