

(2021) 06 PAT CK 0057

In the Patna High Court

Case No : Criminal Miscellaneous No. 35499 Of 2020

Anshu Kumar

APPELLANT

Vs

State Of Bihar

RESPONDENT

Date of Decision : 21-06-2021

Acts Referred:

Indian Penal Code, 1860 — Section 395

Code Of Criminal Procedure, 1973 — Section 438(2)

Citation : (2021) 06 PAT CK 0057

Hon'ble Judges : Ahsanuddin Amanullah, J

Bench : Single Bench

Advocate : SSP Yadav, Raj Ballabh Singh

Final Decision : Disposed Of

Judgement

1. The matter has been heard via video conferencing.
2. Heard Mr. SSP Yadav, learned counsel for the petitioner and Mr. Raj Ballabh Singh, learned Additional Public Prosecutor (hereinafter referred to as the "APP") for the State.
3. The petitioner apprehends arrest in connection with Desari PS Case No. 298 of 2019 dated 28.08.2019, instituted under Section 395 of the Indian Penal Code.
4. The petitioner, though not named in the FIR, is alleged to be party to the dacoity committed in the house of the informant in which cash and various articles, including gold and silver jewellery have been looted as also documents.
5. Learned counsel for the petitioner submitted that he is not named in the FIR and only on the confessional statement of co-accused Nitesh Kumar, who was arrested by the police, he has also been implicated in the case. It was

submitted that the petitioner has no criminal antecedent. It was also submitted that similarly situated co-accused Pumpum Chaudhary @ Mukesh Kumar by order dated 23.06.2020 in Cr. Misc. No. 9259 of 2020 and co-accused Krishna Paswan by order dated 05.02.2021 in Cr. Misc. No. 27518 of 2020, have been granted anticipatory bail. Learned counsel submitted that even otherwise, there is no injury caused to any inmate of the informant's family.

6. Learned APP submitted that there is no reason for the co-accused to falsely take the name of the petitioner as one of the persons who was part of the 10-15 persons who had committed the crime. It was also submitted that from co-accused Nitesh Kumar, who was arrested, there is recovery pistol, two cartridges and looted silver payal and nose pin.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender

before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five

thousand) with two sureties of the like amount each to the satisfaction of the learned Court concerned, Vaishali in Desari PS Case No. 298 of 2019,

subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973 and further, (i) that one of the bailors shall be a close

relative of the petitioner, (ii) that the petitioner and the bailors shall execute bond with regard to good behaviour of the petitioner, and (iii) that the

petitioner shall also give an undertaking to the Court that he shall not indulge in any illegal/criminal activity, act in violation of any law/statutory

provisions, tamper with the evidence or influence the witnesses. Any violation of the terms and conditions of the bonds or the undertaking shall lead to

cancellation of his bail bonds. The petitioner shall cooperate in the case and be present before the Court on each and every date. Failure to cooperate

or being absent on two consecutive dates, without sufficient cause, shall also lead to cancellation of his bail bonds.

8. It shall also be open for the prosecution to bring any violation of the foregoing conditions of bail by the petitioner, to the notice of the Court

concerned, which shall take immediate action on the same after giving opportunity of hearing to the petitioner.

9. The application stands disposed off in the aforementioned terms.