

In the Court of the Sessions Judge, Purnea

A.B.P. No. 1330 of 2023/ CIS No.1330 of 2023

Mannu Kumar @ Kalu Paswan versus State

22.9.2023 - Anticipatory bail petition filed on behalf of petitioner, namely, Mannu Kumar @ Kalu Paswan, who is apprehending his arrest in connection with K.Hat (Madhubani) P.S. Case No.852 of 2023 registered for the offence u/s 461 and 379/34 of the IPC is put-up for hearing.

2. Heard the learned counsel of the petitioners Sri Ramesh Kumar Goswami and learned In-charge P.P.I/c Sri M.P.Singh for the state and perused the record as well as case diary.

3. The prosecution case, in brief, is that in the night of 15.7.2023, the FIR named accused persons including this petitioner in furtherance of their common intention of all after breaking the window of the school from the back side and committed them of amplifier, two mikes, Desktop, CPU, UPS, Key Board, Mouse and printer of EPSON Company as in the following morning at about 8 A.M., when Informant being the Headmaster of Mai Kali High School, Madhubani reached in the school saw the aforesaid articles missing from the school. In this connection, Night Guards of the School at about 1.30 A.M. saw that this petitioner and his associates were going after carrying the articles in a gunny bag from the back side of the school.

4. The learned counsel of the petitioners submitted that petitioners have falsely been implicated in this case merely on suspicion. There is no means of identification of the petitioner by the Night Guards of the school. No incriminating article has been recovered from the possession of the petitioner. There is no eye witness of the alleged occurrence. Except K.Hat P.S. No.898 of 2022 u/s 30A of the Bihar Excise Act, there is no criminal antecedent of the petitioner. So, prayed for anticipatory bail.

5. On the other hand, the learned P.P. I/c has opposed the prayer of anticipatory bail.

6. Perused the record and case diary. From perusal of the same, it appears that it is a case of theft after breaking the window and stolen away several articles. It also appears that petitioner is named in the FIR and night guards of the school

Contd./22.9.2023 - identified this petitioner and other, while they were going with the stolen articles. From perusal of para 6 of the memo of petition, it appears that petitioner bears criminal antecedent of Excise Act. Co-accused Sanjay Kumar Sharma @ Chotu Sharma in his confessional statement has confessed his guilt as well as involvement of the petitioner in the alleged occurrence. Witnesses at paras 7, 8 and 9 of the case diary have supported the prosecution version and investigation of the case is still going-on.

7. Considering the aforesaid facts, circumstances of the case, nature of allegation against the petitioner as well as criminal antecedent, I am not inclined to give the benefit section 438 of the Cr.P.C to petitioner. Hence, prayer for anticipatory bail of the petitioner stands rejected.

(Dictated)

Sd/-

Sessions Judge, Purnea.