

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7932 of 2019

Arising Out of PS. Case No.-100 Year-2018 Thana- MUSRIGHRARI District- Samastipur

Shashi Bhushan Kumar @ Nitish Kumar, son of Sri Ram Sagar Rai, resident
of Village Mubarakpur, P.S. Musrigharari, District Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rakesh Kumar Ranjan

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

**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN
SINGH**

ORAL ORDER

4 17-05-2019 Heard learned counsel for the parties.

This application for anticipatory bail arises out of Musrigharai P.S. Case No. 100 of 2018, disclosing offences under Sections 25(1-b) (a), 26 and 35 of the Arms Act.

In compliance of this Court's order dated 11.02.2019, the Superintendent of Police, Samastipur has filed an affidavit, stating therein that the offence punishable under Section 400 of the Indian Penal Code is made out, on the basis of the materials collected in course of investigation, against the petitioner.

Learned counsel for the petitioner has submitted that the confessional statement of a co-accused is the only basis for implication of this petitioner.

It transpires from the records that the co-accused Md.



Shahid Hussain made a confessional statement, disclosing the name of the petitioner in commission of the offence alleged and his involvement in another case also.

Learned counsel for the petitioner has submitted that the confessional statement does not have any evidentiary value in the eye of law and that another co-accused Ravi Kumar, who has also been implicated on the basis of confessional statement of the said Md Shahid Hussain, has been granted anticipatory bail by this Court by order dated 10.01.2019, passed in Cr Misc. No. 78752 of 2018.

In my view, however, since an offence under Section 400 of the IPC is made out, considering the gravity of the offence and the petitioner's alleged involvement in another case also, I am not inclined to grant him the privilege of anticipatory bail, since his custodial interrogation by the police may be required, for the purpose of investigation of the case.

This application is accordingly dismissed.

However, the petitioner is directed to surrender in the court below within four weeks from today and seek regular bail, if so advised. If he does so, the court below shall consider his prayer for regular bail on its own merit, without being prejudiced by the rejection of the present anticipatory bail



application.

It goes without saying that the court below will keep in mind the fact that the person, who is said to have confessed his guilt before the police, has been allowed regular bail.

HR/-

(Chakradhari Sharan Singh, J)

U		T	
---	--	---	--

