

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19382 of 2019

Arising Out of PS. Case No.-1257 Year-2018 Thana- SASARAM NAGAR District- Rohtas

Lal Bahadur Singh, son of Nagendra Singh R/o village- Sahsi, P.S.- Chenari,
District- Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sada Nand Roy

For the Opposite Party/s : Mr.Ram Priya Sharan Singh

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 11-04-2019 Learned counsel for the petitioner is permitted to correct
the name of petitioner.

Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner is apprehending arrest in a case registered
for the offences punishable under Sections 224, 225, 353, 120B,
414 of the Indian Penal Code and Sections 25(1-B)a, 26 (2), 35
of the Arms Act.

The prosecution case got initiated on the basis of self
statement of S.I. Shahid Aslam, SHO, Sasaram Model P.S. on
28.09.2018 is to the effect that the informant received a secret
information that during production of a Juvenile in conflict with
law, Krishna Singh @ Shivam before Juvenile Justice Board,
Sasaram, some miscreants are planning to get him released.



Subsequently, a police team was constituted and co-accused Krishna Singh was produced before the Juvenile Justice Board. In the meantime, four accused persons on two motorcycles came near prisoner's vehicle and tried to get co-accused Krishna Singh released, but they were apprehended by the police team. The apprehended accused disclosed their names as Sonu Verma @ Manish Kumar, Manish Kumar Singh, Mintu Gaddi and Naseeb Ansari. On frisking from the possession of the accused persons arms and mobile phones were recovered. The apprehended accused persons further confessed that they made plan to get juvenile in conflict with law, Krishna Singh released. They also suggested that there were four other persons namely Chandan Tiwari, Nikhil Tiwari, Manish Pandey and Lal Bahadur Singh, the petitioner, who were on Scorpio vehicle at the time of alleged occurrence and they escaped from the scene on Scorpio vehicle.

It is submitted by learned counsel for the petitioner that the name of the petitioner sprang up on the basis of confessional statement of co-accused and the petitioner was not apprehended from the spot. It is further submitted that there is no recovery of any incriminating articles from the possession of the petitioner. Though a statement has been made in paragraph no. 3 of the



petition that the petitioner is not having any criminal antecedent, but petitioner is accused in one other case in which he is on bail. A statement to that effect has been made in paragraph no.3 of the supplementary affidavit.

It is submitted by learned APP for the State that the name of the petitioner sprang up on the basis of confessional statement of apprehended co-accused.

Considering the fact that the name of the petitioner sprang up on the basis of confessional statement of co-accused and there being no recovery from the conscious physical possession of the petitioner, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned CJM, Sasaram, Rohtas in connection with Sasara Model P.S. Case No.1257 of 2018, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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