

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45822 of 2019

Arising Out of PS. Case No.-532 Year-2018 Thana- DUMRA District- Sitamarhi

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KESHAV SARKAR @ KESHAV SINGH S/o Ram Kishor Singh R/o Village-
Riga Tole, Shivnagar, P.S.- Riga, District- Sitamarhi

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Pushpendra Kumar Singh
For the Opposite Party/s : Mr.Nand Kumar

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

4 16-11-2019 Heard learned counsel for the parties.

This application for anticipatory bail arises out of Dumra P.S. Case NO. 532 of 2018, disclosing offences under Section 392 of the Indian Penal Code.

Though the petitioner is not named in the First Information Report, his name has surfaced on the basis of confessional statement of co-accused Kumar Parth, who was arrested by the police in course of investigation. His arrest and confessional statement had led to recovery. It transpires from his confessional statement that allegedly it was the petitioner at whose instance, the said co-accused Kumar Parth had committed the offence. Active participation of the petitioner has been indicated in the confessional statement of said co-accused Kumar Parth.

Learned counsel appearing on behalf of the



petitioner has submitted that confessional statement made by an accused before the police has no evidentiary value and since the petitioner's implication is solely on that basis, his prayer for anticipatory bail may be considered favourably.

However, considering the seriousness of the offence and the incriminating materials collected in course of investigation, as noted above, I am not inclined to grant the petitioner privilege of anticipatory bail.

This application is, accordingly, rejected.

The petitioner is directed to surrender before the Court below within four weeks from today, if so advised. If he does so, his application for regular bail shall be considered on its own merit without being prejudiced by rejection of the present anticipatory bail application by this Court.

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(Chakradhari Sharan Singh, J)

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