

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4579 of 2020

Arising Out of PS. Case No.-140 Year-2018 Thana- BATHNAHA District- Sitamarhi

Rajiv Kumar Son of Shambhu Ray Resident of Village - Ramnagar, P.S.-
Bathnaha, Distt.- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, Adv.

For the Opposite Party/s : Mr. Sanjay Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 29-02-2020 Heard learned counsel for the parties.

The petitioner is apprehending arrest in a case registered for the offences punishable under Section 394 of the Indian Penal Code.

The prosecution case as per the written report of one Navin Rai submitted before the S.H.O., Bathnaha is to the effect that on 16.05.2018, while the informant was going to his in-laws' house on motorcycle, but on the way, two persons made his motorcycle stop and stabbed him with a knife, leading to registration of F.I.R., against two unknown. Subsequently, during the course of investigation, co-accused Anil Kumar Yadav was apprehended, who disclosed the name of the petitioner.

It is submitted by learned counsel for the petitioner that neither the petitioner is named in the F.I.R. nor any incriminating article has been recovered from his conscious



possession but only on the basis of confessional statement of co-accused Anil Kumar Yadav he has been roped in the present case. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

It is submitted by learned counsel for the State that the petitioner's name transpired in the present case on the basis of confessional statement of co-accused Anil Kumar Yadav.

Considering the fact that the name of the petitioner transpired in the confessional statement of co-accused Anil Kumar Yadav, the petitioner was not present at the place of alleged occurrence, coupled with statement made in paragraph no.3 in petition that the petitioner is not having any criminal antecedent, 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 Chief Judicial Magistrate, Sitamarhi in connection with Bathnaha P.S. Case No. 140 of 2018, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

Rahul/Gautam-

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