

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.17274 of 2020**

Arising Out of PS. Case No.-370 Year-2019 Thana- KHAIRA District- Jamui

Subodh Tanti, S/o Bharoshi Tanti, Resident of Village- Sabaijor, P.S.- Sono,
Distt- Jamui At present Resident of Village- Sarebad, P.S.- Sono, Distt- Jamui.
At present Resident of village-Sarebad, P.S. Sono, District Jamui

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Kartik Kumar Sinha, Advocate

For the Opposite Party/s : Mr.Akhileshwar Dayal, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

4 02-09-2020 Heard Mr. Kartik Kumar Sinha, learned counsel for the

petitioner and Mr. Akhileshwar Dayal, learned A.P.P. for the State

who has appeared in absence of Mr. Ramchandra Sahni, learned

A.P.P.

Petitioner in the present case is seeking pre-arrest bail in
connection with Khaira P.S. Case No. 370 of 2019 registered for the
offences punishable under Sections 392/34 of the Indian Penal Code.

Learned counsel for the petitioner submits that the
petitioner is not named in the F.I.R. His name has transpired in the
confessional statement of the co-accused and that he has no criminal
antecedent, hence the petitioner deserves the privilege of anticipatory
bail.

On the other hand, learned A.P.P. for the State has
submitted that not only the name of the petitioner has come in the



confessional statement of the co-accused rather in course of investigation Police has collected the call details of the mobile of the petitioner which is showing that the petitioner was talking with the co-accused Mukesh on 10.12.2019 i.e. the date of occurrence, at the relevant time and it is the said Mukesh who was acting as a liner in this case, hence there being prima-facie material against the petitioner, he does not deserve the privilege of anticipatory bail.

Having regard to the facts and circumstances of the case and upon noticing that in course of investigation some materials apart from confessional statement of the co-accused have come showing complicity of the petitioner with the co-accused, considering the nature of the accusations, this Court is not inclined to grant privilege of anticipatory bail to the petitioner. The prayer is, thus, refused.

In case the petitioner surrenders and prays for regular bail in the learned court below within a period of four weeks his prayer for regular bail shall be considered on its own merit without being prejudiced by the order of this Court.

(Rajeev Ranjan Prasad, J)

vats/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

