

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26292 of 2020

Arising Out of PS. Case No.-322 Year-2019 Thana- GAIGHAT District- Muzaffarpur

NAVINIT KUMAR Son of Hari Kishan Yadav @ Krishna Rai Resident of
Village - Patsara, P.S.- Piar, District - Muzaffarpur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Jha
For the Opposite Party/s : Ms. Anita Kumari Singh

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 23-12-2020

The present petition has been taken up for consideration through the mode of Video Conferencing in view of the prevailing situation on account of COVID-19 Pandemic.

Heard the learned counsel for the petitioner and Ms. Anita Kumari Singh, the learned A.P.P. for the State.

This is an application for grant of anticipatory bail in connection with Gaighat PS case no. 322 of 2019 registered for the offences punishable under Sections 395, 357 of Indian Penal Code.

The case of the prosecution in brief is that while the informant, who is the driver of a TATA 407 vehicle had proceeded alone for Forbesganj and Supaul from Patna and had reached near Maithi Toll Plaza, some persons had attempted to overtake his vehicle by a white coloured Bolero vehicle and



subsequently, the said white coloured Bolero vehicle had overtaken his vehicle after the Toll Plaza and had made him stop the vehicle, whereafter three persons had climbed down from the Bolero vehicle, armed with revolver and had shot the informant on his leg. It is also alleged that the said miscreants had then snatched a sum of Rs. 5,000/-, mobile phone etc. and had taken the informant in their Bolero vehicle and had subsequently left him near Narpatnagar railway crossing.

The learned counsel for the petitioner has submitted that the petitioner is innocent and has been falsely implicated in the present case. The learned counsel for the petitioner has further submitted that the name of the petitioner has transpired in the present case during the course of the confessional statement made by the co-accused person namely Nand Kishore Rai, however no recovery has been made from the possession of the petitioner herein. It is further submitted that though the petitioner is accused in two other cases but he is on bail in both the said two cases.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel



for the parties and taking into account the fact that the petitioner has been roped in the present case merely on suspicion i.e. on the basis of the confessional statement of the co-accused person namely Nand Kishore Rai and moreover, no recovery has been made from him, I deem it fit and appropriate to admit the petitioner to the privilege of anticipatory bail, however subject to certain conditions. Accordingly, the abovenamed petitioner, in the event of his arrest or surrender before the court below within a period of six weeks from the date of receipt/ production of a copy of this order, is directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Muzaffarpur in connection with Gaighat PS case no. 322 of 2019 subject to the conditions as laid down under Section 438(2) of Code of Criminal Procedure.

This Court further directs that since the investigation of the present case is going on, the petitioner herein shall appear before the Officer-in-charge of the concerned police station on each and every Monday of the week at 10.00 AM and co-operate with the Investigating Officer and in case of two consecutive defaults in appearing before the said Officer-in-



charge, the present privilege of bail being granted to the petitioner herein shall stand cancelled automatically and the petitioner would be taken into custody forthwith.

(Mohit Kumar Shah, J)

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