

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39616 of 2020

Arising Out of PS. Case No.-172 Year-2018 Thana- BHANGWANPUR HAT District- Siwan

Guddu Sharma, son of Hari Charan Sharma @ Charan Das Sharma, Resident
Of Village- Imali Chauk, P.S.- Siwan Muffasil, District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bijay Prakash Singh- Advocate

For the Opposite Party/s : Mr. A.P.P.

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 02-06-2021 Heard Mr. Bijay Prakash Singh, learned advocate
for the petitioner and the learned APP for the State.

The petitioner seeks bail in anticipation of his arrest in connection with Bhagwanpur Hat P. S. Case No.172 of 2018, instituted for the offence under Sections 392, 411 of the Indian Penal Code and Section 27 of the Arms Act.

The learned counsel for the petitioner has submitted that the F.I.R. is against unknown and the prosecution of the petitioner in the instant case is on the basis of confession of one Saddam Ali. Apart from the aforesaid confessional statement of co-accused, there is no other material to connect the petitioner with the offence. It has also been submitted on behalf of the petitioner that earlier he was made accused in a case of similar nature, but in that case also, he was named by a



co-accused person. The learned counsel for the petitioner, therefore, submits that the local Investigating Agency are in the habit of falsely implicating the petitioner.

As opposed to the aforesaid contention, the learned counsel for the State has submitted that in such cases, anticipatory bail ought not to be given, so as to facilitate the arrest of such person and putting him to Test Identification Parade for collecting evidence.

The aforesaid submission on behalf of the State is not acceptable to this Court as evidence could be collected in other manner as well.

Accordingly, the petitioner, above named, is directed to be released on bail, in the event of his arrest or surrender before the Court below within a period of eight weeks from the date of receipt/ production of a copy of this order, on furnishing bail bonds of Rs.10,000/- (Rs. Ten Thousand) each with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-II, Siwan in connection with Bhagwanpur Hat P. S. Case No.172 of 2018, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure with a Condition that he shall participate in the investigation and his failure to cooperate



would render his anticipatory bail liable to be cancelled.

The application stands disposed off.

(Ashutosh Kumar, J)

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