

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12016 of 2022

Arising Out of PS. Case No.-177 Year-2021 Thana- EKMA District- Saran

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SAHEB MIYA @ SAHEB ANSARI SON OF LATE USMAN ANSARI @
MOHAMMAD BIBI R/O - AT , P.O. AND P.S.- EKMA, DISTRICT- SARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Rajeev Kumar Singh, Advocate
	:	Mr. Prabhojot Singh, Advocate
For the Opposite Party/s	:	Mr. Choubey Jawahar, APP

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 22-09-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Learned counsel for the petitioner, at the outset, submits that a supplementary affidavit will be filed by tomorrow for making rectification in the affidavit portion of the anticipatory bail application as it was recorded that the deponent is wife of the petitioner when she is mother of the petitioner.

The petitioner apprehends his arrest in a case registered for the offences punishable under Section 395 of the Indian Penal Code.

The informant alleges that on 02.05.2021 at about 8:30 pm, he along with his companion Suraj Kumar was going to their house after closing office when they were intercepted by



eight motorcycle borne criminals near house of one Raju Singh, it is next alleged that the accused person took them on gunpoint to the office of the informant and made him unlock the office and thereafter looted Rs. 17,56,299/- along with some other articles as detailed in the F.I.R.

Learned counsel for the petitioner submits that the petitioner has antecedent of one case and he has been falsely implicated in the present case, it is next submitted that during the course of investigation it transpired that it was the informant who got the occurrence committed and thus was arrested and based on his confessional statement, the petitioner came to be implicated, it is also submitted that cash Rs. 3,60,000 /- and one mobile was recovered from the house of one Suraj Kumar Chowdhary. Learned counsel further submits that said Suraj Kumar Chowdhary and the informant have been granted regular bail vide order dated 07.02.2022 in Criminal Miscellaneous No. 54942 of 2021 and vide order dated 29.06.2022 in Criminal Miscellaneous No. 17924 of 2022 respectively, learned counsel thus submits that persons on whose confessional statement, the name of the petitioner transpired have been granted regular bail as such there would be no justification by sending the petitioner to jail when admittedly confessional statement does not have



any evidentiary value.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Ekma P.S. Case No. 177 of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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