

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29065 of 2021

Arising Out of PS. Case No.-350 Year-2019 Thana- SARAI District- Vaishali

NIKHIL MISHRA @ NIKHIL KUMAR MISHRA SON OF SURESH
KUMAR MISHRA Resident of Village - Pahetiya, P.S.- Hajipur Sadar, Dist.-
Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravish Mishra, Advocate

For the Opposite Party/s : Mr. Humayou Ahmad Khan, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 18-07-2022 By order dated 06.06.2022, case diary was called for

but the same till date has not been received, as such, the Court is

taking-up this matter on its own merit.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Let the defect(s), if any, be removed within a period
of four weeks.

The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 379, 511
and 414/34 of the Indian Penal Code.

Learned counsel for the petitioner submits that
petitioner has antecedent of one case but the same is of the year,
2016.

The informant alleges that two thieves were trying to



commit theft of a Bolero vehicle and on alarm by the villagers they tried to flee away on a motorcycle but one of them was caught by the villagers with motorcycle and the other fled away. It is alleged that apprehended accused disclosed his name as Santosh Sah and he also disclosed the name of the petitioner as his associates who managed to flee.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case and he was not apprehended from the spot. It is next submitted the confessional statement of a co-accused does not have evidentiary value before the police but in the present case the said confession was not even before the police, as such, it was an extra judicial confession which has absolutely no value in the eye of law. It is next submitted that even presuming what has been alleged in the FIR is true without admitting the same for the purpose of anticipatory bail then it is a case of attempt.

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 Sarai P.S. Case No. 350 of 2019, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. and further one of the bailors of the petitioner shall be his father Suresh Kumar Mishra.

(Satyavrat Verma, J)

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