

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22260 of 2022

Arising Out of PS. Case No.-60 Year-2021 Thana- SHRIKRISHNAPURI District- Patna

ADEEB AHMAD S/o Md. Sazzad Resident of Chowdhary Hotel Gali, Raja
Bazar, Samanpura, P.S.- Shastri Nagar, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Ms. Kritu Verma, Advocate
For the Opposite Party/s	:	Mr. Satyendra Prasad, A.P.P.
	:	Mr. Umesh Kumar Verma, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 03-11-2022 Heard learned counsel for the petitioner, learned
counsel for the informant and learned A.P.P. for the State.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 379 and 356 of the Indian Penal Code.

The informant alleges that on 19.02.2021 when she was going to her brother-in-law house at Vivekanand Marg when on the way two unknown motorcycle borne criminals intercepted her who were wearing helmet and mask and snatched her gold chain weighing 20 grams from her neck.

Learned counsel for the petitioner submits that petitioner has antecedent of two cases and has been falsely implicated in the present case, it is next submitted that the



petitioner based on confessional statement came to be implicated when admittedly the confessional statement in police custody does not have any evidentiary value. Learned counsel next submits that petitioner was arrested on 26.02.2021 from his house but the police showed his arrest from Hartali More, it is further submitted that petitioner was remanded in Shri Krishnapuri P.S. Case No. 289 of 2020 and thereafter in Shri Krishnapuri P.S. Case No. 45 of 2021. Learned counsel further submits that when the petitioner was in custody in connection with aforesaid cases the investigation officer made a prayer on 09.03.2021 before the learned A.C.J.M.- IV Patna to remand the petitioner in the present case also, but despite order of the learned A.C.J.M.- IV Patna, the investigating officer did not remand him in the present case and as such, the petitioner after release on bail in the aforesaid two cases has filed the present anticipatory bail application. Learned counsel next submits that police is only implicating the petitioner based on confessional statement when admittedly nothing has been recovered from his possession.

Learned A.P.P. for the State and learned counsel for the informant opposed the prayer for anticipatory bail of the petitioner, learned counsel for the informant submits that



petitioner has not approached the Court with clean antecedent, it is next submitted that at paragraph 3, it is submitted that petitioner has an antecedent of two cases when petitioner apart from those two cases is also implicated in four more cases i.e.,:-

1) In connection with Shashtri Nagar P.S. Case No. 397 of 2018 dated 22.06.2018.

2) In connection with Shashtri Nagar P.S. Case No. 252 of 2020 of 2018 dated 01.06.2020.

3) In connection with Shashtri Nagar P.S. Case No. 257 of 2020 dated 03.06.2020.

4) In connection with Shashtri Nagar P.S. Case No. 195 of 2022 dated 14.04.2022.

Learned counsel for the petitioner rebuts the submission of the learned counsel for the informant and submits that he stands by the instruction he has received as pleaded at paragraph 3 of the anticipatory bail application.

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 trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount



each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Srikrishnapuri P.S. Case No. 60 of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

One of the bailor shall be his father Md. Sazzad.

Further, the learned trial court before accepting the bail bonds shall verify with regard to the criminal antecedents of the petitioner as disclosed by the learned counsel for the informant and in the event, if it is found that the petitioner has antecedents as disclosed by the learned counsel for the informant then the present anticipatory bail shall not be acted upon.

(Satyavrat Verma, J)

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