

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31321 of 2021

Arising Out of PS. Case No.-457 Year-2017 Thana- BAKHTIYARPUR District- Patna

Abhinav Kumar @ Aman Kumar Son of Naresh Kumar Yadav Resident of
Village - Belthan, Police Station - Bakhtiyarpur, District - Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Kashyap
For the Opposite Party/s : Mr. APP

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 17-02-2022 This matter has been taken up for hearing online
because of COVID-19 pandemic restrictions.

Heard learned counsel for the petitioner and learned
APP for the State.

Learned counsel for the petitioner is expected to
honour his undertaking to remove the defects as pointed out by
the office when called upon to do so by the office.

The instant application for anticipatory bail has been
filed by the petitioner apprehending his arrest in connection
with Bakhtiyarpur P.S. Case no. 457 of 2017 instituted for the
offence under Sections 399 and 402 of the Indian Penal Code
and Section 25(1-b)a, 26, 35 of the Arms Act.

As per allegation in the FIR, several accused persons
including the petitioner were assembled near temple of Baba



Chhatarpatel for hatching a conspiracy. On getting secret information, police team reached there and apprehended three accused persons, who disclosed the name of the petitioner who managed to escape. On their instance, a search was made and mobile sets and arms were recovered.

Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has committed no offence. He has got no criminal antecedent. The name of the petitioner has been disclosed in this case by the apprehended co-accused, which has no evidentiary value in the eye of law. Neither the petitioner was arrested nor any incriminating article has been recovered from his conscious possession.

Learned APP appearing for the State has opposed the prayer of Bail.

Having heard learned counsel for the parties and in the facts and circumstances of the case as stated above, this Court is inclined to enlarge the petitioner on bail. The petitioner is directed to surrender in the Court below within a period of four weeks from today and in the event of his arrest or surrender in connection with Bakhtiyarpur P.S. Case no. 457 of 2017, he will be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each



to the satisfaction of learned A.C.J.M.1st, Barh, Patna subject to
the conditions as laid down under section 438(2) of the Cr.P.C.

(Sunil Kumar Panwar, J)

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