

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29521 of 2022

Arising Out of PS. Case No.-247 Year-2019 Thana- HARNAUT District- Nalanda

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SUDHIR KUMAR @ SUDHIR GOPE S/o Late Krishna Prasad Resident of
Village - Parik, P.S. - Aungari, District - Nalanda.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anuj Kumar, Advocate
For the Opposite Party/s : Mr. Meena Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 16-11-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 363, 365, 394, 302, 201 and 411 of the Indian Penal Code.

The informant alleges that he has a Scorpio vehicle and the driver of the said vehicle namely Vinod was hired through his friend Guddu Kumar to drop his friend Anil Kumar from RMS Colony, East Indra Nagar, Road No. 2, Kankarbagh, Patna to village Rupau, District Nawada, it is next alleged that while he was returning to Patna, he went to Asthawan to drop one of his family members, it is further alleged that around 10:30 pm, informant called his driver on mobile and the informed that he was returning and crossing village Cheromore



and, thereafter, his driver became traceless, thus based on suspicion, the FIR was registered alleging that the driver of the vehicle along with the vehicle was kidnapped by some accused persons.

Learned counsel for the petitioner submits that petitioner has antecedent of one case under the Excise Act. Learned counsel further submits that petitioner is not named in the FIR and during the course of investigation one Shivam was arrested who confessed that he had committed the occurrence and has killed the driver, it is next submitted that his name transpired in the present case in the confessional statement of Shivam, it is next submitted that confessional statement in police custody does not have any evidentiary value, it is also submitted that Shivam in his confessional statement does not allege that petitioner also participated in the occurrence, it is next submitted that rather Shivam in his confessional statement disclosed that after killing the driver he intended to sell the vehicle as such he contacted many persons including the petitioner, it is next submitted that similarly situated co-accused Rajneesh Pandey has been granted anticipatory bail by order dated 11.07.2022 in Criminal Misc. No. 57405 of 2021.

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 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 Harnaut (Chero) P.S. Case No. 247 of 2019 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

The petitioner will keep marking his attendance in the concerned police station in between 25-30 of every month commencing from December 2022 till charge-sheet is not submitted.

In the event, if it is brought to the notice of the learned Trial Court by the police officials of the concerned P.S. that the petitioner in between the aforesaid dates has not marked his attendance, the learned Court below shall proceed to cancel his bail bonds after recording reasons.

Further, when the charge-sheet is submitted and the learned Trial Court comes to a conclusion that the petitioner



after release on anticipatory bail is trying to delay the trial in any manner then also the learned Trial Court shall be at liberty to pass orders in accordance with law.

(Satyavrat Verma, J)

HarshPandey/-

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