

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43399 of 2022

Arising Out of PS. Case No.-337 Year-2020 Thana- BIKRAM District- Patna

ANISH KUMAR S/o Chandrasen Kumar @ Chandrasen Singh R/o village-
Chechaul, P.S.- Naubatpur, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Samrendra Kumar Jha, Advocate

For the Opposite Party/s : Mr. Rina Sinha, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 13-12-2022 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 Section 385 of the Indian Penal Code read with Section 27 of the Arms Act.

Learned counsel for the petitioner submits that petitioner has antecedent of seven cases and the informant, who is owner of a dairy shop, alleges that on 27.11.2020, he received an extortion call from one Kishan Kumar for paying Rs. 5 lakhs and when he showed his inability to pay, then on 01.12.2020 while he was in the shop, four motorcycle borne criminals came and fired at his shop and fled away.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case, it is next submitted that no doubt petitioner has got antecedents but



then the fact of the case along with allegations as alleged are to be appreciated in its proper context, it is further submitted that name of this petitioner transpired in the confessional statement of Kishan Kumar and on the date of occurrence, the petitioner was in judicial custody in connection with Kankarbagh P.S. Case No. 1143 of 2018, thus it is submitted that since petitioner was in judicial custody when the occurrence is alleged to have taken place as such he could not have been present at the place of occurrence, this amply demonstrates that how mechanically the police investigates and even the learned District Courts reject bail. Learned counsel submits that petitioner will not evade the law rather will cooperate in the investigation and will present himself as and when required by the Investigating Officer of the case to prove his innocence in the present occurrence.

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. 25,000/- (Rupees Twenty Five 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 Bikram P.S. Case No. 337 of 2020 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. with a further condition that one of the bailors of the petitioner shall be his father, Chandrasen Kumar @ Chandrasen Singh.

However, in the event, if the Investigating Officer of the case files an application before the learned trial court bringing to its notice that the petitioner despite giving an assurance to this Court, is not cooperating in the investigation or is not appearing when called, the learned trial court after giving an opportunity of hearing to the petitioner shall pass orders in accordance with law and shall also have the liberty to cancel the bail bonds of the petitioner and shall take all coercive steps to ensure that the petitioner is put behind bars.

Further, if the Investigating Officer submits charge-sheet against the petitioner connecting him with the offence, then the present anticipatory bail order shall lose its effect.

The learned trial court is directed to send a copy of this order to the concerned Police Station.

(Satyavrat Verma, J)

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