

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59924 of 2021

Arising Out of PS. Case No.-163 Year-2021 Thana- RAJNAGAR District- Madhubani

KANHAIYA RAM Son of Ramesh Ram Resident of Village-Mahinathpur,
P.S.- Rajnagar, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Subhash Kumar Jha, Adv.

For the Opposite Party/s : Mr. Chandra Sen Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 07-06-2022 Heard the learned counsel for the petitioner
and the learned A.P.P. for the State.

This is an application for grant of anticipatory bail in connection with Rajnagar P.S. Case No. 163 of 2021 registered for the offence punishable under Section 399, 402 of the Indian Penal Code and Section 26(1-b)a/26/35 of the Arms Act.

The case of the prosecution in brief, according to the informant, is that on the alleged date and time of occurrence, the police received information that certain miscreants were planning to commit dacoity, whereafter raid was conducted at the alleged place of occurrence and three co-accused



persons were arrested. It is also alleged that upon search being made, some country made loaded pistols and mobile phones were recovered from the arrested miscreants. The arrested miscreants, upon interrogation, had disclosed the names of their accomplices including the petitioner herein.

The learned counsel for the petitioner submits that the petitioner is innocent, he has been falsely implicated in the present case and he is having a clean antecedent. The learned counsel for the petitioner has further submitted that there is no material on record to connect the petitioner with the alleged crime and he has been implicated in the present case merely on the confessional statement of the arrested miscreants, which in any view of the matter, has got no evidentiary value in the eyes of law.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner, taking into



account the materials available on record as also considering the fact that neither the petitioner has been arrested from the spot nor any arm has been recovered from the conscious possession of the petitioner and he has been merely implicated in the present case upon the confessional statement made by the arrested persons, apart from the fact that the petitioner is having a clean antecedent, I deem it fit and proper to admit the petitioner to the privilege of anticipatory bail.

Accordingly, the petitioner is directed to be enlarged on anticipatory bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned ACJM-1st, Madhubani in connection with Rajnagar P.S. Case No. 163 of 2021, corresponding to C.R.I. No. 4642 of 2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal



Procedure.

(Mohit Kumar Shah, J)

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