

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60485 of 2021

Arising Out of PS. Case No.-88 Year-2018 Thana- MAHNAR District- Vaishali

Istehak @ Md. Isteyak Son of Kamaluddin @ Lalu Resident of Village -
Sadapur Mahua, P.S.- Mahua, District - Vaishali.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajesh Kumar

For the Opposite Party/s : Mr.

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 08-06-2022 Heard learned counsel for the parties.

Learned counsel for the petitioner is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

The petitioner seeks anticipatory bail in connection with Mahnar P.S. Case No. 88 of 2018, registered for the offence under Section 394 of the Indian Penal Code.

The main allegation is that the present petitioner and co-accused persons snatched golden chain, mobile phone and sum of Rs. 5000/- from the possession of the informant.

The main submissions advanced by the learned counsel for the petitioner are that petitioner is not named in the FIR and his name has surfaced in the statement of co-accused persons which have no value in the eyes of law and there is no any legal evidence against him.

Learned APP has opposed the prayer of bail of the petitioner.



Heard both the sides and perused the case. The present matter relates to loot and allegedly four accused persons snatched away motorcycle, golden chain, mobile phone and Rs. 5,000/- from the possession of the informant. The informant has claimed that he can identify the accused persons. Learned counsel for the petitioner submits that there is no legal evidence against the petitioner except the confessional statement of co-accused. I find no force in the said submission as the investigation is still pending and the facts revealed by co-accused in the said confessional statement are to be investigated. Hence at this stage in the light of above facts it will not be proper to give privilege of anticipatory bail to the petitioner.

The petitioner is directed to surrender before the Court below, if he surrenders within twenty five days from the date of this order then the learned Court below will decide his prayer for bail without being prejudiced with this order according to merit.

Accordingly, the prayer for anticipatory bail stands rejected.

(Shailendra Singh, J)

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