

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69416 of 2021

Arising Out of PS. Case No.-182 Year-2021 Thana- KADWA District- Katihar

1. ARVIND @ KARIYA @ ARVIND KUMAR Son of Ram Bilash Chouhan Resident of Village - Govindpur, P.S.- Rautara, Distt.- Katihar.
2. Prakash Chouhan son of Dhanraj Chouhan resident of village - govindpur, P.S.- Rautara, Distt.- Katihar.
3. Anil Chouhan Son of Sita Ram Chouhan Resident of Village - Govindpur, P.S.- Rautara, Distt.- Katihar.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhola Prasad, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 18-10-2022 Learned counsel for the petitioners seeks permission to withdraw the prayer for anticipatory bail with respect to petitioner no. 3 as he has already died during the pendency of this anticipatory bail application.

Permission is accorded.

Heard learned counsel for the petitioners no. 1 and 2 and learned A.P.P. for the State.

Let the defect(s), if any, be removed within a period of four weeks.

The petitioners no. 1 and 2 apprehend their arrest in a case registered for the offences punishable under Sections 399 and 402 of the Indian Penal Code and Sections 25(1-b)a, 26 and



35 of the Arms Act.

Learned counsel for the petitioners no. 1 and 2 submits that petitioners no. 1 and 2 are persons with clean antecedent.

The informant alleges that on 15.07.2021 at 04:25 p.m. on getting information he along with police force reached Dakbangla Chowk Kumhari and on seeing the police force two motorcycles which were coming from opposite direction tried to flee but on chase two accused were caught and two succeeded to escape. From Sujay Jha one country made loaded pistol along with mobile set and motorcycle without number plate was recovered and from Rahul Rs.13,500/- along with a motorcycle was recovered. It is further alleged that apprehended accused disclosed that Arvind Kumar, Prakash Chouhan and Anil were also involved in the offence and they were planning to rob a medical trader of Sameli but the plot was busted by the police.

Learned counsel for the petitioners no. 1 and 2 submits that petitioners no. 1 and 2 have been falsely implicated in the present case. He further submits that petitioners no. 1 and 2 were not apprehended from the spot and none of the motorcycles belongs to the petitioners no. 1 and 2 and their name came in the confessional statement of co-



accused which has no evidentiary value in the eye of law. He next submits that petitioners no. 1 and 2 are persons with clean antecedent and came to be implicated based on the confessional statement of co-accused.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

Considering the submissions made by the learned counsel for the petitioners no. 1 and 2 and the fact that petitioners no. 1 and 2 are persons with clean antecedent, the petitioners no. 1 and 2 above-named, in the event of their 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.20,000/- (Rupees Twenty Thousand) each 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 Kadwa P.S. Case No. 182 of 2021, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

Kundan/-

U		T	
---	--	---	--

