

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6199 of 2023

Arising Out of PS. Case No.-305 Year-2022 Thana- DEEPNAGAR District- Nalanda

Kanhaiya Kumar S/o Sadan Ram R/o Dewadha, P.S.- Deep Nagar, Distt-Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Saroj Kumar Choudhary, Advocate
For the Opposite Party/s : Ms.Sharda Kumari, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 23-05-2023 Heard the learned counsel for the
petitioner and learned APP for the State.

This is an application for grant of anticipatory bail in connection with Deep Nagar P.S. Case No.305 of 2022, registered for offences under Sections 379, 411 and 34 of the IPC.

The case of the prosecution, in brief, is that on 27.06.2022, at about 10:00 A.M., the informant alongwith his police force got secret information that miscreants, who are generally engaged in snatching mobile phones, were planning to commit some crime, whereafter the informant alongwith his police force had gone to



the alleged place of occurrence and had managed to apprehend three miscreants, whereafter search was conducted and several mobile phones and sim cards were recovered. It is also alleged that upon interrogation of the arrested co-accused persons, they disclosed that the petitioner is one of their accomplice.

The learned counsel for the petitioner has submitted 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 the name of the petitioner has transpired, in the present case, merely on basis of the confessional statement of the co-accused persons, made before the police which has got no evidentiary value in the eyes of law and moreover, there is no material on record to connect the petitioner with the alleged occurrence.

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 parties and taking into account the materials available on record as also considering the fact that the name of the petitioner has transpired on the basis of confessional statement of the co-accused persons, who were arrested by the police, no recovery of stolen mobile phones has been made from the house of the petitioner and 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 above named 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 six 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 the learned Chief Judicial Magistrate, Nalanda, Bihar Sharif in connection with Deep Nagar P.S. Case No.305 of 2022, 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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