

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22217 of 2023

Arising Out of PS. Case No.-240 Year-2018 Thana- MOTIHARI MUFASIL District- East
Champaran

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1. VIKASH KUMAR @ VIKASH KUMAR SINGH Son of Ajay Kumar Singh R/V- Pathkhauliya PS- Muffasil, Dist-East Champaran
 2. Sanni Kumar @ Aditya @ Aditya Kumar Son of Sanjeev Kr. Singh R/V- Pathkhauliya PS- Muffasil, Dist-East Champaran
 3. Nanhak Kumar @ Nanku Kumar Son of Madan Singh R/V- Pathkhauliya PS- Muffasil, Dist-East Champaran
 4. Raushan Kumar Son of Madan Singh R/V- Pathkhauliya PS- Muffasil, Dist-East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Priyesh Kumar, Advocate
For the Opposite Party/s : Mr. Dashrath Mehta, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 07-08-2023 1. Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 147, 148, 149, 302, 201 and 120(B) of the Indian Penal Code as well as Section 27 of the Arms Act.

3. Learned counsel for the petitioners submits that petitioners are persons with clean antecedent.

4. The informant alleges that he along with his brother were returning to home then they were intercepted by 6-7 accused persons and started assaulting his brother, however, the informant fled away and raised alarm then the villagers gathered at the place of



occurrence but his brother was not found. It is next alleged that the informant identified in the light of motorcycle accused namely Ajay Kumar, Satrdhan Singh, Rajan Kumar Singh, Posan Singh and Dhuruv Singh, accordingly, the police was informed. Thereafter on the next day the police informed the informant that the dead body of his brother has been recovered.

5. Learned counsel for the petitioners submits that petitioners have been falsely implicated in the present case. It is further alleged that petitioners are not named in the FIR and from perusal of the allegation as alleged in the FIR, it would manifest that the informant himself has stated that in the light of motorcycle, he identified the named accused persons thus the petitioners were not present at the place of occurrence. It is next submitted that the name of the petitioners transpired in the confessional statement of Karan Singh and Abhinav Akarsh. It is also submitted that confessional statement in police custody does not have any evidentiary value in the eye of law when the informant in the FIR has not even remotely raised any suspicion against the petitioners. It is further submitted that the named accused were also arrested and they have been granted the privilege of regular bail by this Court.

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

7. Considering the submissions made by the learned counsel for the petitioners, the petitioners 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.10,000/- (Rupees Ten 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 A.B.P. No. 4542 of 2022 arising out of Motihari Mufassil P.S. Case No. 240 of 2018, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

8. However, the petitioners, on the date of surrender, shall produce all the bail orders of the named accused persons before the learned trial court and in the event if it is found that any of the named accused persons has not been granted the privilege of regular bail then in that event the anticipatory bail order shall not be given effect to.

(Satyavrat Verma, J)

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