

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.27125 of 2023**

Arising Out of PS. Case No.-626 Year-2020 Thana- KUDHNI District- Muzaffarpur

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ABHISHEK KUMAR S/o- SURENDRA KUMAR Village- Mohanpur Ps-  
Kudhani Dist- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Manoj Kumar, Advocate

For the Opposite Party/s : Mr. Satyendra Prasad, APP

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**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA**  
**ORAL ORDER**

2      20-07-2023                      1.      Heard learned counsel for the petitioner and  
  
learned A.P.P. for the State.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 399, 402, 414, 120B and 34 of the Indian Penal Code and under Sections 25(1-B)A, 26 and 35 of the Arms Act.

3. Learned counsel for the petitioner submits that the petitioner has antecedent of one case and the informant alleges that he received information that some criminals have assembled at NH-77 near Akrahana bridge with an intention to commit *dacoity* accordingly, the informant along with police force reached the place of occurrence from where Sunny was arrested while rest accused fled, it is next alleged that Sunny disclosed the name of Jitendra and Aniket as accused who fled on seeing the police and also disclosed that they were waiting



for Mintu, it is next alleged that Sunny also made a disclosure that they had assembled on the instruction of Abhishek who was in judicial custody, for committing the dacoity from operator of CSP Allahabad Bank, Chandrahatti at NH-77.

4. Learned counsel for the petitioner submits that the petitioner was not arrested from the spot, as such nothing was recovered from his conscious possession and he came to be implicated based on confessional statement of Sunny in police custody which does not have any evidentiary value, it is next submitted that petitioner will not abscond rather will co-operate in the investigation and will present himself as and when required by the Investigating Officer of the case for eliciting the truth and to prove his innocence.

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

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case



is pending/successor court in connection with Kudhani P.S. Case No. 626 of 2020 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. One of the bailors of the petitioner shall be his father Surendra Kumar.

8. However, in the event if the Investigating Officer of the case files an application before the learned Trial Court bringing to its notice that the petitioner despite giving assurance to this Court is not co-operating in the investigation or is not presenting himself as and when called for, the learned Trial Court shall be at liberty to cancel his bail bonds after recording reasons.

9. Let a copy of this order be also sent to the concerned Police Station through the learned Trial Court.

10. It is further made clear that in the event, if the charge sheet is submitted connecting the petitioner with the offence, then the present anticipatory bail order shall come to an end.

**(Satyavrat Verma, J)**

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