

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31338 of 2023

Arising Out of PS. Case No.-592 Year-2022 Thana- HISUWA District- Nawada

GAURAV KUMAR S/o- JAY KUMAR Mohalla- Barhi Bigha Ps- Hisua Dist-
Nawadah

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Kumar Veerendra Narayan, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

- 2 14-07-2023 1. Heard the learned counsel for the petitioner and the learned A.P.P. for the State.
2. This is an application for grant of anticipatory bail in connection with Hisua PS case no. 592 of 2022, registered for the offences punishable under Sections 457, 380 of the Indian Penal Code.
3. The allegation is regarding the co-accused persons namely Pawan Kumar and his father namely Raj Kumar Chauhan having threatened the informant, who is running a coaching institute, to pay extortion money and on the alleged date and time of occurrence, when the informant along with his family members had left for his village, the aforesaid two co-accused persons had broken the lock of the house of the informant and committed theft.



4. The learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in the present case. The petitioner is stated to be accused in one another case but he is on bail in the said case. The learned counsel for the petitioner has further submitted that the main accused persons are Pawan Kumar and his father Raj Kumar Chauhan and in fact, the informant has only named them in the FIR, however, during the course of interrogation, it appears that they have disclosed about the petitioner being one of their accomplice, however, it is submitted that the statement made by the co-accused persons before the police has got no evidentiary value in the eyes of law.

5. *Per contra*, the learned APP for the State has vehemently opposed the prayer for bail.

6. 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 petitioner has not been named in the FIR, no stolen articles have been recovered from his house and the name of the petitioner has transpired in the present case merely on the basis of confessional statements made by the co-accused persons, which has got no evidentiary



value in the eyes of law, I deem it fit and appropriate to admit the petitioner to the privilege of anticipatory bail.

7. Accordingly, the abovenamed petitioner, 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, is directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned court of Additional Chief Judicial Magistrate-VIth Nawadah in connection with Hisua PS case no. 592 of 2022, subject to the conditions as laid down under Section 438(2) of Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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