

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37347 of 2023

Arising Out of PS. Case No.-37 Year-2023 Thana- MURLIGANJ District- Madhepura

NITISH KUMAR SON OF RAGHUNANDAN YADAV RESIDENT OF
VILLAGE - KARHARA, WARD NO. 05, P.S. - GWALPARA (ARAR O.P.),
DISTRICT - MADHEPURA

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pawan Kumar

For the Opposite Party/s : Mr.Uma Shankar Prasad Singh

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 21-07-2023 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 Murliganj P.S. Case No. 37 of 2023, registered for the offence punishable under Sections 399, 402 of the Indian Penal Code and Section 25(1-B)a, 26, 35 of the Arms Act.

3. The allegation is regarding the informant along with his police force having conducted a raid at the alleged place of occurrence on the alleged date and time of occurrence, whereupon some accused persons were caught and arms and ammunitions were recovered, however, some of the miscreants had managed to flee away.

4. The learned counsel for the petitioner submits 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, upon the confessional statement made by the apprehended co-accused persons, which has got no evidentiary value in the eyes of law and moreover, no arms have been recovered from the house of the petitioner.

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 petitioner, taking into account the materials available on record as also considering the fact that the petitioner is having a clean antecedent and no arms have been recovered from the house of the petitioner and he has been merely made an accused in the present case, upon confessional statement made by the apprehended co-accused persons, which has got no evidentiary value in the eyes of law, I deem it fit and proper to admit the petitioner to the privilege of anticipatory bail.

7. Accordingly, the 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 four 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 learned ACJM-I, Madhepura, in connection with Murliganj P.S.Case No. 37 of 2023, 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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