

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41082 of 2023

Arising Out of PS. Case No.-259 Year-2022 Thana- PAHARPUR District- East Champaran

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ALOK KUMAR TIWARI @ ALOK TIWARI @ ALOK TIWARY S/O LATE
UMESH TIWARI R/O VILLAGE- MAN KARAIYA, TOLA-HUSEPUR, PS.
PAHARPUR, DIST. EAST CHAMPARAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bijay Prakash Singh, Advocate

For the Opposite Party/s : Mr. Mohammad Sufyan, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 04-08-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 302 and 394 of the Indian Penal Code and Section 27 of the Arms Act.

The informant alleges that three unknown accused intercepted his brother who was returning with Raushan Khatoon on a motorcycle and demanded his belonging, thereafter, took him somewhere and committed his murder by firearm, thereafter, Raushan Khatoon came home and informed about the occurrence.

Learned counsel for the petitioner submits that the petitioner has antecedent of three cases. The learned counsel



next submits that FIR is against unknown and the name of the petitioner transpired in the confessional statement of Mantu and Vinay, it is next submitted that confessional statement in police custody does not have any evidentiary value and the petitioner has been implicated in the present case because of his antecedents.

Learned A.P.P. Mr. Chandra Bhushan Prasad for the State opposes the prayer for anticipatory bail of the petitioner and submits it is true that FIR is against unknown but then one person has died and Raushan Khatoon had seen the accused taking away the deceased, it is next submitted that even petitioner has antecedent of serious cases, as such, it would not be prudent to grant the privilege of anticipatory bail to the petitioner at this stage.

Considering the submissions made by the learned A.P.P., the Court is not inclined to extend the privilege of anticipatory bail to the petitioner.

(Satyavrat Verma, J)

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