

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48007 of 2023**

Arising Out of PS. Case No.-287 Year-2018 Thana- SARAIYA District- Muzaffarpur

Anil Kumar S/O Sri Basudeo Chaudhary @ Vasudev Choudhry Resident F
Village- Gangoi, P.S.- Paroo, District- Muzaffarpur, Bihar.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Preety Kunwar, Advocate.
For the Opposite Party/s : Mr. Upendra Kumar, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 11-08-2023 Heard Ms. Preety Kunwar, learned counsel for the
petitioner and learned APP for the State.

2. The Petitioner is apprehending his arrest in connection with Saraiya P.S. Case No.287 of 2018 registered for the offences punishable under Sections 302, 120(B)/34 of the Indian Penal Code and Section 27 of the Arms Act.

3. Allegedly, while the husband of the informant was coming from his shop, in the meantime, some unknown miscreants shot him and looted away his motorcycle along with all gold ornaments kept in the dickey.

4. Learned counsel appearing on behalf of the petitioner submits that the FIR has been instituted against



unknown persons, however, name of the petitioner has sprung up only on the confessional statement of the co-accused Rahul Yadav @ Kanti Yadav and save and except the confessional statement there is no material suggesting the complicity of the petitioner. That apart, the confession before the police is hit by Section 25 and 26 of the Indian Evidence Act and as such it has no value in the eyes of law. She further submits that the reason for false implication of the petitioner is that the informant of Saraiya P.S. Case No. 417 of 2018 is the I.O. of this case and on account of some oblique reasons his name has been implicated in this case, later on, during the course of investigation.

5. On the other hand learned APP for the State vehemently opposes the bail application and submits that apart from one criminal antecedent, during the course of investigation co-accused Rahul Yadav @ Kanti Yadav, who was apprehended by the police, has disclosed the name of the petitioner as one of his associates.

6. Regard being had to the submissions made on behalf of the parties and considering the material available on record suggesting the complicity of the petitioner in a case of such serious nature, apart from his one more criminal antecedent, this Court is not persuaded to enlarge the petitioner



on anticipatory bail and as such his prayer for anticipatory bail
is hereby rejected.

7. Accordingly, the present application stands
dismissed.

(Harish Kumar, J)

manoj/-

U		T	
---	--	---	--

