

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53671 of 2023

Arising Out of PS. Case No.-93 Year-2021 Thana- KATRA District- Muzaffarpur

Antu Singh @ Nishant Kumar S/O Arvind Kumar Singh R/O Village- Ward 9,
Dhanaura, Muzaffarpur, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shashi Bhushan Singh, Advocate

For the Opposite Party/s : Mr.Syed Mojibur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

- 2 23-08-2023 1. Heard the learned counsel for the petitioner and learned APP for the State.
2. This is an application for grant of anticipatory bail in connection with Katra P.S. Case No.93 of 2021, registered for offences under Sections 399, 402, 414/34 of the IPC and Section 25(1-b)a, 26 and 35 of the Indian Penal Code.
3. The informant is stated to have got confidential information on the alleged date and time of occurrence that seven miscreants had assembled at the village and were planning to commit some crime, whereafter the informant along with his police force had conducted a raid at



the place of occurrence and arrested three accused persons, who upon interrogation had disclosed the name of the persons, who had fled away, including that of the petitioner herein. It is also alleged that upon search, loaded pistol, cash amount of Rs.25,000/-, mobile phones, motorcycles, etc. were recovered.

4. The learned counsel for the petitioner has submitted 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 co-accused person, namely, Ashish Kumar, which has got no evidentiary value in the eyes of law, apart from the fact that no looted articles have been recovered from the petitioner. Lastly, it is submitted that similarly situated co-accused person has already been granted the privilege of anticipatory bail by a co-ordinate Bench of this Court, vide order dated 31.01.2023,



passed in Cr. Misc. No.53954 of 2022.

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 name of the petitioner has transpired in the present case upon the confessional statement made by the accused persons, which has got no evidentiary value in the eyes of law, apart from the fact that the petitioner is having a clean antecedent, I deem it fit and proper to admit the petitioner to the privilege of anticipatory bail.

7. Accordingly, the above named 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 Chief Judicial Magistrate, Muzaffarpur in connection with Katra P.S. Case No.93 of 2021, 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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