

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 52466 of 2023

Arising Out of PS. Case No.-114 Year-2022 Thana- MEHANDIGANJ District- Patna

Md. Arif Son Of Izharul Haque Resident Of Village- Pirbais, Market Agarwal
Tola Near Dharam Baniya, PS- Alamganj, Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jay Ram Prasad, Adv.

For the Opposite Party/s : Mr.Md. Iftekhar Mahmood,APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

2 23-08-2023 Heard Mr. Jay Ram Prasad, learned counsel appearing
on behalf of the petitioner and learned Additional Public
Prosecutor for the State.

2. The petitioner apprehends his arrest in connection
with Mehandiganj P.S. Case No. 114 of 2022, registered for the
offences punishable under Section 392 of the Indian Penal
Code.

3. Allegedly four unknown persons entered into the
office of the informant and on the point of pistol looted
Rs.1,58,962/- and other valuables and also assaulted the
employees.

4. Learned counsel appearing on behalf of the
petitioner submits that the FIR has been instituted against
unknown persons, however during the course of investigation
co-accused Suraj Kumar was apprehended in connection with
Patrakar Nagar P.S. Case No. 469 of 2022 and the name of the
petitioner has sprung up in his confessional statement. He



submits that the confessional statement of co-accused before the police is hit by Sections 25/26 of the Indian Evidence Act and as such not admissible in the eyes of law on the basis of which the petitioner has been made accused. He also submits that no looted articles have been recovered from his whereabouts. He lastly submits that the petitioner has been made accused in another case but he is on bail.

5. On the other hand, learned counsel for the State vehemently opposed the bail application and submits that during the course of investigation, cogent material has come against the petitioner, apart from his criminal antecedent.

6. Regard being had to the submissions made on behalf of the parties and considering the serious nature of offence of loot and assault, and the petitioner is carrying antecedent of one more criminal case of serious nature, this Court is not persuaded to allow the petitioner on anticipatory bail. The prayer of the petitioner stands rejected.

7. The application stands disposed of.

(Harish Kumar, J)

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