

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.55911 of 2023**

Arising Out of PS. Case No.-157 Year-2022 Thana- SANDESH District- Bhojpur

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Akash Kumar, S/O Krishna Prasad @ Krishna Murari, R/O Karmantola, P.S-  
Ara Nawada, Distt.- Bhojpur At Ara.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Shashank Shekhar, Advocate

For the Opposite Party/s : Mr. Mukesh Kumar Singh, APP

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**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR**  
**ORAL ORDER**

3      20-09-2023                      Heard Mr. Shashank Shekhar, learned counsel  
  
appearing on behalf of the petitioner and the learned APP for the  
  
State.

2. The petitioner is apprehending his arrest in  
connection with Sandesh P.S. Case No. 157 of 2022 registered  
for the offence under Section 394 of the Indian Penal Code.

3. Allegedly while the informant along with one  
Sandeep Chaudhary left from the market after unloading Tata  
Intra Magic vehicle, in the meantime, three persons intercepted  
them and snatched the valuables on the point of pistol.

4. It is submitted on behalf of the petitioner that the  
F.I.R. has been instituted against unknown miscreants, however,  
during the course of investigation the name of the petitioner has  
sprung up on the confessional statement of Raju Kumar, which  
has no evidentiary value and the same is hit by Sections 25 and



26 of the Indian Evidence Act. He further submits that only because of one criminal antecedent, the name of the petitioner has been implicated in this case without there being any material, save and except the confessional statement of co-accused. He next submits that no incriminating material has been recovered from the whereabouts of the petitioner suggesting his complicity.

5. In course of argument, learned counsel for the petitioner fairly submitted that one of the co-accused Raju Kumar, on whose confession the name of the petitioner transpired, has been allowed the privilege of regular bail by the learned coordinate Bench of this Court in Cr. Misc. No. 53363 of 2023.

6. On the other hand, learned APP for the State opposes the bail application and submits that there is material suggesting the complicity of the petitioner, apart from his criminal antecedent.

6. Considering the materials available on record and criminal antecedent of the petitioner, this Court is not persuaded to enlarge the petitioner on anticipatory bail, accordingly, his prayer for grant of anticipatory bail is rejected.

7. However, if the petitioner surrenders before the



learned court below within a period of four weeks and prays for regular bail, the same shall be considered without being prejudiced by the order of this Court taking into the fact that co-accused, on whose confession the name of the petitioner transpired, has already been allowed on bail.

**(Harish Kumar, J)**

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