

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56423 of 2023

Arising Out of PS. Case No.-421 Year-2023 Thana- ARARIA District- Araria

ANIL KUMAR @ ANIL KUMAR SAH SON OF AGAM LAL SAH
VILLAGE DIMINIYA SIMAIMANI POLICE STATION SIKITI DISTRICT
ARARIA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kundan Kumar Singh, Advocate

For the Opposite Party/s : Mr.Humayou Ahmad Khan, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

- 2 30-08-2023 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 Araria P.S. Case No.421 of 2023, registered for offences under Sections 413, 414 and 34 of the IPC.
3. The case of the prosecution, in brief, according to the informant, is that on the alleged date and time of occurrence, the accused persons had hired the vehicle of the informant and had subsequently taken the same at a lonely place near Majlis Chowk, whereafter they had tied the informant and had then fled away with the vehicle. It is further alleged that subsequently the informant and his friends had found the said vehicle, standing at M.M. Motor Garage, near Barrier Chowk



and when they had asked the person standing there, namely, Faijan about the same, he had disclosed that Md. Akram had given the vehicle to him for being repaired. It is also alleged that on the same day one Nitish Kumar was arrested and upon interrogation, he had disclosed about the complicity of the petitioner in the alleged occurrence.

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 neither the stolen motorcycle has been recovered from the possession of the petitioner nor from his house and his name has transpired in the present case merely upon the confessional statement, made by the co-accused person, namely, Nitish Kumar, before the police which has got no evidentiary value in the eyes of law.

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 merely upon the confessional statement, made by the co-accused persons, before the police, which has got not evidentiary value in the eyes of law, apart from the fact that the stolen vehicle has not been recovered from the house of the petitioner, 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 C.J.M., Araria, in connection with Araria P.S. Case No.421 of 2023, 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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