

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53467 of 2023

Arising Out of PS. Case No.-105 Year-2023 Thana- BIDUPUR District- Vaishali

VIKRAM KUMAR SON OF SUBODH RAY @ SUBODH RAI
RESIDENT OF VILLAGE- DOBAR KOTHI, PS- RAJAPAKAR, DIST-
VAISHALI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

- 2 23-08-2023 1. Heard the learned counsel for the petitioner and the learned A.P.P. for the State.
2. The petitioner apprehends his arrest in connection with Bidupur P.S. Case No. 105 of 2023, registered for the offences punishable under Sections 399, 402, 413 and 414 of the Indian Penal Code and Sections 25(1-b)a, 26 and 35 of the Arms Act.
3. The informant is stated to have received information on 20.02.2023 that some criminals had assembled in the orchard in question and were planning to commit dacoity, whereafter the informant along with his police force had conducted a raid at the alleged place of occurrence



and apprehended two miscreants, however, some of the miscreants had managed to flee away, whereafter the said apprehended co-accused persons were interrogated and on search two country made pistol loaded with two live cartridges and some other articles were recovered and the said two apprehended co-accused persons had also disclosed the names of the miscreants who had fled away including that of the petitioner herein.

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 petitioner has been implicated in the present case merely on the basis of the confessional statement of the co-accused persons, which has got no evidentiary value in the eyes of law and moreover, there is no evidence to prove that the stolen motorcycle was recovered from the Baranda of the house of the petitioner inasmuch as



the seizure list does not comply with the requirement of Section 100 Cr.P.C., hence the same is vitiated.

5. *Per contra*, the learned A.P.P. for the State has vehemently opposed the prayer for grant of anticipatory 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 on the confessional statement made by the co-accused person, which has got no evidentiary value in the eyes of law, apart from the fact that he is having a clean antecedent, I deem it fit and proper to admit the petitioner herein to the privilege of anticipatory bail.

7. Accordingly, the petitioner, above named, is directed to be released on anticipatory bail in the event of his arrest/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/- (Ten
Thousand) with two sureties of the like amount
each to the satisfaction of learned Chief Judicial
Magistrate, Vaishali at Hajipur in connection with
Bidupur P.S. Case No. 105 of 2023, subject to the
conditions as stipulated under Section 438(2) of
the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

S.Sb/-

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

