

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54445 of 2023

Arising Out of PS. Case No.-93 Year-2022 Thana- TATARPUR District- Bhagalpur

MD. SHAHID ANSARI SON OF MD. ISRAFIL ANSARI RESIDENT OF
MILKI DOSTAINI P.O. HASAI P.S. DHANKUND DISTRICT BANKA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Diwakar Upadhyaya, Advocate.

For the Opposite Party/s : Mr.Nityanand, APP.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 09-11-2023 Heard Mr. Diwakar Upadhyaya, learned counsel
appearing on behalf of the petitioner and Mr. Nityanand, learned
APP for the State.

2. As prayed for, learned counsel appearing on behalf
of the petitioner is permitted to make necessary correction in
Para-5 of the bail application in course of the day.

3. The petitioner seeks pre-arrest bail in connection
with Tatarpur P.S. Case No. 93 of 2022 registered for the
offence punishable under Section 379/34 of the Indian Penal
Code.

4. Allegation is of commission of theft of five mobile
phones, ATM Cards and other valuable articles from the house
of the informant. The F.I.R. of the occurrence is against
unknown.



5. Learned counsel appearing on behalf of the petitioner submitted that the name of the petitioner has surfaced in the case on the basis of confessional statement of two co-accused namely Junaid Raja and Md. Usman as it would appear from Para-42 and 57 respectively of the case diary. It is further submitted that the confessional statement in police custody has no evidentiary value in the eye of law. Petitioner is not named in the F.I.R. Petitioner has clean antecedent.

6. Learned APP for the State has vehemently opposed the prayer for grant of pre-arrest bail.

7. Considering the nature of allegation made against the petitioner and the fact that the name of the petitioner has surfaced in the case on the basis of confessional statement of co-accused which has no evidentiary value in the eye of law, the petitioner, above named, is directed to be released on pre-arrest bail, in the event of his arrest or surrender before the Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-VII, Bhagalpur in connection with Tatarpur P.S. Case No. 93 of 2022, subject to the condition as laid down under Section 438(2) of the Cr.P.C.



8. The court below is directed to verify the criminal antecedent of the petitioner and if it is found that the petitioner is involved in some other cases as what has been stated in Para- 3 of the bail petition, this order will automatically loose its force.

9. The bail application stands disposed of.

(Purnendu Singh, J)

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