

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61161 of 2023

Arising Out of PS. Case No.-86 Year-2022 Thana- KHANPURA District- Samastipur

Shivam Kumar Son of Chhotelal Mahto Resident of Village -Ward No. 10
Navavganj, Ramaee Tola, PS- Chakmehsi, Distt- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar Singh, Adv.

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

5 06-12-2023 Heard Mr. Pramod Kumar Singh, learned counsel for
the petitioner and Mr. Shantanu Kumar learned APP for the
State.

2. The petitioner apprehends his arrest in connection
with Khanpur P.S. Case No. 86 of 2022 registered for the
offence punishable under Section 392 of the Indian Penal Code.

3. It is alleged that three unknown miscreants came to
the Service Centre of the informant and, on the point of pistol,
looted away the bag containing cash of Rs.1,00,000/-.

4. Learned counsel for the petitioner submits that the
FIR has been instituted against unknown miscreants. However,
during the course of investigation, the police apprehended one
Amit Kumar @ Fekan and on whose confession the name of the
petitioner has surfaced. He further submits that there is no doubt



that any confession made before the police is inadmissible and hit by Section 25/26 of the Indian Evidence Act. He next submits that barring the confessional statement of apprehended accused Amit Kumar @ Fekan, neither any incriminating material nor any looted article has been recovered from the whereabouts of the petitioner. He lastly submits that the petitioner is a man of fair antecedent.

5. On the other hand, learned counsel for the State submits that on the confession made by Amit Kumar @ Fekan, some looted articles, including the bag(s) were recovered from his house and it is he, who disclosed the name of the petitioner as one of his associates. Thus, in such circumstances, the petitioner does not deserve the anticipatory bail.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the name of the petitioner has transpired on the confessional statement of co-accused Amit Kumar @ Fekan from whose possession looted articles have been recovered, this Court is not persuaded to enlarge the petitioner on anticipatory bail. Accordingly, the prayer for grant of anticipatory bail is rejected.

7. Needless to observe that if the petitioner surrenders and seeks regular bail, the same shall be considered on its own



merit without being prejudiced in any manner by the present
order.

(Harish Kumar, J)

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