

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67995 of 2023

Arising Out of PS. Case No.-303 Year-2023 Thana- VAISHALI District- Vaishali

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Dhiraj Kumar S/O Ram Karan Rai R/O Village- Sohratha, Ps. Belsar, Dist. Vaishali

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shyameshwar Kumar Singh

For the Opposite Party/s : Mr. Sunil Kumar Pandey

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 06-11-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in a case registered for the offence punishable under Sections 399, 402 of the Indian Penal Code and Sections 25(1-b)a, 26, 35 of the Arms Act.

3. Petitioner along with other accused persons are said to have assembled to commit serious offence with fire arms and knife.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. He submits that the petitioner was neither present at the alleged place of occurrence nor any incriminating article has been recovered from his conscious possession. He submits that the petitioner has been made accused in this case on the basis of



confessional statement of apprehended person which has no evidentiary value in the eye of law. He further submits that petitioner has two criminal antecedent of similar nature as stated in para-3 of the bail application.

5. Learned APP for the State opposes the prayer for bail.

6. Considering the facts and circumstances of the case and the fact that the petitioner has criminal antecedent of similar nature, I am not inclined to enlarge the petitioner on bail. Accordingly, his prayer for anticipatory bail is rejected in connection with Vaishali P.S. Case No. 303 of 2023.

7. However, if the petitioner surrenders before the learned court below within a period of six weeks from today and prays for regular bail, the same shall be considered by the learned court below on the same day without being prejudiced by this order.

(Anjani Kumar Sharan, J)

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