

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74166 of 2023

Arising Out of PS. Case No.-498 Year-2020 Thana- BETTIAH CITY District- West
Champaran

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AKSHAY KUMAR @ AKSHAY SRIVASTAVA SON OF KISHORE
SRIVASTAVA @ ISHWAR DAYAL @ ISHWAR PRASAD SRIVASTAVA
RESIDENT OF PURANI GUDARI UTRWARI POKHRA, WARD NO.8,
P.S. - BETTIAH TOWN AND DISTRICT - WEST CHAMPARAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Mayank Mohan

For the Opposite Party/s : Mr.Narendra Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 29-11-2023 1. Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.
2. This application, for grant of anticipatory bail, arises out
of Bettiah Town Police Station Case No. 498 of 2020,
dated 19.08.2020, disclosing offences punishable under
Sections 364/365/386/302/201/120-B/34 of the Indian
Penal Code.
3. The prosecution case, as per the First Information Report,
is that the son of the informant was kidnapped and
murdered by the named accused persons. During the
course of investigation, the name of the petitioner
transpired on the basis of statement made by co-accused



Ratnesh Kumar Mishra.

4. Learned Counsel for the petitioner submits that the petitioner has been made accused on the basis of confessional statement made by co-accused, which is not admissible in evidence. The investigation against the petitioner is still going on and charge sheet has been submitted against some other accused persons and the trial has already commenced against them.
5. Regards being had to the submissions advanced on behalf of the parties and taking into consideration the severity and gravity of the allegation and the fact that the name of the petitioner has transpired, during the course of investigation and is serious matter of kidnapping and murder, for which custodial interrogation of the petitioner may be required by the police, I am not inclined to grant the petitioner privilege of anticipatory bail.
6. This application is, accordingly, dismissed.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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