

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8770 of 2024

Arising Out of PS. Case No.-88 Year-2022 Thana- NAUBATPUR District- Patna

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Anish Kumar S/O- Chandrashen Kumar R/O- Village- Chechaul, P.S.-
Naubatpur, Dist.- Patna

... .. Petitioner/s

Versus

The State Of Bihar, Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sunil Kumar Pathak, Adv

For the Opposite Party/s : Mr.Jagdhar Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 05-03-2024 1. Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 386, 387,
120B, and 34 of the Indian Penal Code read with Sections 25(1-
B)a, 26 and 35 of the Arms Act.

3. The learned counsel for the petitioner submits that
petitioner has antecedent of nine cases and has been falsely
implicated by the informant with an allegation that based on
secret information, the police arrived at the place of occurrence
where the accused had also come for collecting ransom, but on
seeing the police, the accused person started fleeing away, but on
chase, Raj Kumar, OM Kumar @ Omkar and Vickki Kumar were
arrested. It is next alleged that from their possession country-
made pistol and live cartridges along with mobile phone, as



detailed in the FIR, were recovered and they disclosed the name of this petitioner along with one Ujjwal Singh, who is inside the jail.

4. Learned counsel for the petitioner submits that the petitioner was not arrested from the spot as such nothing was recovered from his conscious possession and he came to be implicated based on confessional statement of co-accused in police custody, which does not have any evidentiary value. It is also submitted that no doubt petitioner has antecedent of nine cases but then that is the precise reason why he has been implicated by the police through the confessional statement of the apprehended co-accused. It is next submitted that petitioner will not abscond rather will cooperate in the investigation.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner and submits that petitioner has antecedent of nine cases and in the event if anticipatory bail is granted to the petitioner, in that event, the petitioner may tamper with the evidences.

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 50,000/-



(Rupees Fifty Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Naubatpur P.S. Case No. 88 of 2022, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. One of the bailors of the petitioner shall be his father, Chandrashen Kumar.

8. It is made clear that in the event if the investigating officer of the case files an application before the learned trial court bringing to its notice that petitioner, despite giving assurance to this court, is not cooperating in the investigation, in that event the learned trial court shall be at liberty to forthwith cancel the bail bonds of the petitioner and take all coercive steps to ensure that petitioner is behind bars.

9. It is further made clear that in the event if the police files charge sheet connecting the petitioner with the offence, in that event the present anticipatory bail order shall lose its effect.

10. Let a copy of this order be communicated to the Senior Superintendent of Police, Patna.

(Satyavrat Verma, J)

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