

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19437 of 2024

Arising Out of PS. Case No.-143 Year-2023 Thana- PALI District- Jehanabad

Shivam Kumar @ Shivam Raj S/O SANJIT SINGH @ SANJIT SHARMA
R/O VILLAGE- AMARPURA, P.S.- PALI, DISTRICT- JEHANABAD

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sumit Shekhar Pandey, Advocate

For the Opposite Party/s : Mr.Dr.Mrityunjaya Kr.Gautam, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 08-04-2024 1. Heard learned counsel for the petitioner as well as
learned APP for the State.

2. The petitioner seeks bail in anticipation of his arrest in a case registered for the offences punishable under Sections 379, 411, 413, 414, 419, 420, 467, 468/34 of the Indian Penal Code.

3. The learned counsel for the petitioner submits that petitioner is a person with clean antecedent and has been falsely implicated in the instant case based on confessional statement of Laxman Kumar in police custody which does not have any evidentiary value. It is next submitted that informant alleges that during the course of vehicle checking, the informant noticed that driver of a vehicle on seen the police took an abrupt 'U' turn, but was apprehended, who disclosed his name as Laxman Kumar, and when the police asked for the documents of the



vehicle he disclosed that the documents of the vehicle is with Vikash and petitioner, but when the documents were verified through online mode the owner of the vehicle were different. Further the police went to the house of Vikash where they found a Swift Dezire vehicle without number plate parked and also recovered three number plates which was seized. Thereafter, Laxman who was questioned who disclosed that Vikash and Shivam are involved in sale and purchase of stolen vehicles. The learned counsel submits that petitioner was not apprehended from the spot as such nothing recovered from his conscious possession and he came to be implicated based on confessional statement of Laxman in police custody which does not have any evidentiary value. It is also submitted at the cost of repetition the petitioner is a person with clean antecedent and petitioner will cooperate in the investigation and will not abscond.

4. The learned APP opposes the anticipatory bail application.

5. 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 Court below within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs.25,000/- (Rupees



Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District Judge, IIIrd, Jehanabad in connection with Pali P.S. Case No.143 of 2023, subject to the conditions laid down under Section 438(2) of the Cr.P.C. with further condition that one of the bailor of the petitioner shall be his father, namely, Sanjit Singh @ Sanjit Sharma.

6. However, 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 or is not presenting himself as and when required, the learned trial court shall be at liberty to forthwith cancel the bail bonds of the petitioner and to take all coercive steps to ensure that petitioner is behind bar.

7. Let a copy of this order be sent to the concerned P.S. through the learned Trial court.

8. The application stands allowed.

(Satyavrat Verma, J)

Prakash Narayan

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