

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41930 of 2024

Arising Out of PS. Case No.-467 Year-2023 Thana- GAUTAMBUDHNAGAR District-
Siwan

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Sudhir Kumar @ Tigor Kumar Yadav Son of Shivji Prasad Resident of village
- Ladhi Bazar, Sarari, P.S.- Goryakothi, District - Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prabhakar Singh, Advocate

For the Opposite Party/s : Mr. Chandra Bhushan Prasad, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 3 29-07-2024 1. Heard learned counsel for the petitioner and Mr. Chandra Bhushan Prasad learned A.P.P. for the State.
2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 385, 387 and 307 of the Indian Penal Code.
3. The investigating officer of the case in compliance of the order dated 25.07.2024 is present in the Court. He submits that confessional statement of the petitioner was taken in G.B. Nagar P.S. Case No. 15 of 2024 in which he had confessed about his participation in the occurrence in the present case but by the time an application seeking his remand in the instant case could be moved, he was granted bail by the learned court below as such the petitioner could not be remanded in the instant case.



4. Learned counsel for the petitioner submits that petitioner has antecedent of three cases out of which two cases have been instituted by the agnates of the petitioner. It is further submitted that since petitioner was implicated in G.B. Nagar P.S. Case No. 15 of 2024 under the Arms Act as such he was made to confess in police custody with regard to his participation in the present occurrence also. It is next submitted that any confessional statement made before the police is not admissible in evidence. It is also submitted that petitioner will not abscond rather will cooperate in the investigation to prove his innocence.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

6. Considering the submissions made by the learned counsel for the petitioner, let the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.25,000/- (Rupees Twenty-five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with G.B. Nagar P.S. Case No. 467 of 2023, 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, namely, Shivji Prasad.

8. However, if the investigating officer of the case files an application bringing to the notice of the learned court below that petitioner, despite giving assurance to this Court, is not cooperating in the investigation or is not presenting himself as and when required by the investigating officer, the learned court below shall be at liberty to cancel the bail bonds of the petitioner after recording reasons.

10. Since the order has been passed in presence of the investigating officer of the case as such the order is not required to be sent to the concerned police station through the learned trial court.

11. The personal appearance of the investigating officer of the case is dispensed with.

(Satyavrat Verma, J)

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