

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56038 of 2024

Arising Out of PS. Case No.-91 Year-2024 Thana- FALKA District- Katihar

Ashish Kumar son of Bijendra Prasad Singh R/o- Madhukarchak W.No- 5, PS
- Bihariganj Dist- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Ankita Kumari, Advocate

Mr. Piyush Tiwari, Advocate

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

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 08-08-2024 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 offence punishable under Section 392 of the Indian Penal
Code.
3. Learned counsel for the petitioner submits that
petitioner is a person with clean antecedent.
4. The informant alleges that four persons entered his
office and looted away Rs.35,000/- and also took away a sack
containing 81 mobiles along with CCTV, DVR and mobile of the
informant.
5. Learned counsel for the petitioner submits that
petitioner has been falsely implicated in the instant case. It is further
submitted that FIR is against unknown and the name of the petitioner
transpired in the confessional statement of co-accused Saroj Kumar
in police custody which does not have any evidentiary value in the



eye of law. It is next submitted that petitioner is a student who is pursuing his study at UVK College Karama, Madhepura.

6. Mr. Chandra Bhushan Prasad learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner and submits that such occurrences are becoming rampant in the State of Bihar and if the privilege of anticipatory bail is granted to the petitioner that would embolden him to commit more of such occurrence. It is further submitted that no doubt, name of the petitioner transpired in the confessional statement of co-accused in police custody which does not have any evidentiary value in the eye of law but then investigation of the case is in its nascent stage.

7. At this stage, learned counsel appearing on behalf of the petitioner submits that petitioner is a student and if he is sent to judicial custody his entire career would be jeopardized and chances are bright that he might come in contact with hardened criminal. It is further submitted that petitioner will not abscond rather will cooperate in the investigation and trial.

8. 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.50,000/- (Rupees Fifty 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 Falka P.S. Case No. 91 of 2024, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

9. One of the bailors of the petitioner shall be his father, namely, Bijendra Prasad Singh.

10. 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.

11. It is made clear that if the charge-sheet is submitted against the petitioner and thereafter if the learned trial court comes to a conclusion that petitioner is trying to delay the trial of the case in any manner, the learned trial court shall be at liberty to cancel the bail bonds of the petitioner and to take all coercive steps to ensure that petitioner is behind bar.

(Satyavrat Verma, J)

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