

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62944 of 2024

Arising Out of PS. Case No.-132 Year-2018 Thana- GAYA MUFASIL District- Gaya

Santosh Kumar Son of Mahavir Sao @ Mahavir Saw Resident of Village -
Nauranga, Police Station - Muffasil, District - Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 23-10-2024 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 offence punishable under Section 394 of the Indian Penal Code.
3. Learned counsel for the petitioner submits that petitioner has antecedent of three cases under the Excise Act. It is further submitted that the informant alleges that on 20.04.2018 while he was returning home at 08:30 p.m. after closing his jewellery shop when he was intercepted by four unknown accused persons near Khadi Gramodyog and the accused persons snatched his two ATM Cards along with cash of Rs.3,000/- and assaulted him by butt of pistol causing injury on his head.
4. Learned counsel for the petitioner submits that FIR



was against unknown and the name of the petitioner transpired in the confessional statement of Vicky Kumar in police custody which does not have any evidentiary value in the eye of law. It is further submitted that informant is known to the petitioner but still he did not name the petitioner in the FIR and after he came to know that petitioner has been implicated in the instant case, accordingly, he filed an application dated 28.05.2024 (Annexure-2 to the anticipatory bail application) before the learned trial court stating therein that he knows the petitioner and Vicky Kumar and they were not involved in the occurrence.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner and submits that it appears that after Vicky was arrested and he took the name of the petitioner in his confessional statement, thereafter the informant was pressurized to file the said application. It is further submitted that if privilege of anticipatory bail is granted to the petitioner he may abscond on which learned counsel appearing on behalf of the petitioner submits that petitioner will not abscond rather will cooperate in the investigation to prove his innocence.

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 Gaya Mufassil P.S. Case No. 132 of 2018, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. One the bailors of the petitioner shall be his father, namely, Mahavir Sao @ Mahavir Saw.

8. However, it is made clear that if the investigating officer of the case files an application bringing to the notice of the learned trial court that petitioner, despite giving assurance to this Court, is not cooperating in the investigation, the learned trial court shall be at liberty to cancel the bail bonds of the petitioner.

(Satyavrat Verma, J)

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