

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66463 of 2024

Arising Out of PS. Case No.-25 Year-2021 Thana- BAKHARI District- Begusarai

Rahul Kumar @ Ankaj Kumar, Son of Umesh Yadav, Resident of Village-
Koriya, Konia, PS- Muffasil, District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mohit Shriwastava, Advocate

For the Opposite Party/s : Mr. M.K. Nirala, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 05-10-2024 Heard Mr. Mohit Shriwastava, learned Advocate

appearing on behalf of the petitioner and the learned Additional

Public Prosecutor for the State.

2. The petitioner apprehends his arrest in connection
with Bakhri P.S. Case No. 25 of 2021, registered for the
offences punishable under Section 392 of the Indian Penal
Code.

3. Allegedly while the informant was coming back
from his SBI, Bakhri branch with his guard on his four wheeler,
in the meantime, one white colour Bolero car overtook their car
and two persons from the Bolero car came out of the vehicle and
on the point of pistol snatched the valuables, including cash
around Rs. 8,000/- and ATM cards and fled away.

4. Learned Advocate appearing on behalf of the



petitioner contended that the FIR has been instituted against unknown miscreants, however during the course of investigation one Chandan Kumar was apprehended by the police and the name of the petitioner has surfaced on the confessional statement of co-accused Chandan Kumar, with whom the petitioner had enmity. Save and except the confessional statement before the police, which is not admissible in law, there is no material suggesting the complicity of the petitioner, thus, under such circumstances, the petitioner preferred this anticipatory bail. It is further contended that only on account of village politics, the name of the petitioner has been taken by apprehended person; the petitioner bears fair antecedent and he undertakes that he will fully cooperate in the proceeding of the Court.

5. On the other hand, learned Advocate for the State opposed the pre-arrest bail application and submits that the apprehended co-accused has disclosed the name of the petitioner, moreover, the case is of 2021 and despite the fact that the name of the petitioner has transpired in the confessional statement of co-accused Chandan Kumar, till date the petitioner has been evading his arrest.

6. Regard being had to the submissions made on



behalf of the parties and considering the materials available on record including the statement of the co-accused person, this Court is not acceded to the prayer of the petitioner for grant of anticipatory bail. However this Court directs that if the petitioner shall surrender before the Court below, preferably within a period of six weeks from today, the learned jurisdictional Court shall consider the prayer for regular bail of the petitioner, without being prejudiced by the present order, expeditiously taking into account that except the confessional statement there is no material and the petitioner bears fair antecedent.

7. The present application stands dismissed with the aforesaid observation.

(Harish Kumar, J)

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