

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68715 of 2024

Arising Out of PS. Case No.-613 Year-2022 Thana- KOILWAR District- Bhojpur

Alok Kumar Son of Shivkumar Rai @ Shiv Kumar Singh Resident of Village-
Manachak, P.S.- Koilwar, Dist.- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar, Advocate

For the Opposite Party/s : Mr. Md. Aslam Ansari, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 09-04-2025 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 offences punishable under Sections 414 and 34
of the Indian Penal Code as well as Sections 25(1-B)a, 26 and
35 of the Arms Act.

3. Learned counsel for the petitioner submits that
petitioner has antecedent of six cases and the informant alleges
that on 26.09.2022 he received secret information that
miscreants are going to village Manachak with stolen
motorcycle, accordingly, the informant along with the police
force to verify the said information reached village Manachak at
05:20 p.m. On seeing the police force, 6-7 accused succeeded in
fleeing from the place of occurrence but one accused was
arrested with rifle. Further, three stolen motorcycles were seized



by the police from the place of occurrence and the apprehended accused disclosed the name of other accused persons including the petitioner who had escaped from the place of occurrence.

4. Learned counsel for the petitioner submits that petitioner was not arrested from the spot, as such, nothing was recovered from his conscious possession and he came to be implicated in the instant case based on confession of an apprehended accused in police custody which does not have any evidentiary value in the eye of law.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner and submits that petitioner has antecedent of six cases and if the privilege of anticipatory bail is granted to the petitioner, the petitioner 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 establish his innocence in the instant case.

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.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 Koilwar P.S. Case No. 613 of 2022, 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, Shivkumar Rai @ Shiv Kumar Singh.

8. However, if the investigating officer of the case files an application before the learned trial court bringing to its notice that the 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.

9. It is made clear that if the charge-sheet is submitted against the petitioner connecting him with the offence in that event the present anticipatory bail order shall lose its effect.

10. Let a copy of this order be sent to the Superintendent of Police, Bhojpur for its onward communication to the Station House Officer, Koilwar Police Station for his perusal and necessary action.

(Satyavrat Verma, J)

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