

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9704 of 2015

Arising Out of PS.Case No. -125 Year- 2014 Thana -SARAI RANJAN District- SAMASTIPUR

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Dharmanath Singh @ Babajee Son of Jitu Singh Resident of Village -
Chakiya, Police Station - Jandaha, District - Vaishali.

.... Petitioner/s

VERSUS

THE STATE OF BIHAR

.... OPPOSITE PARTY/S

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Appearance:

For the Petitioner/s : Mr. Kundan Kumar, Adv.

For the Opposite Party/s : Mr. Khurshid Anwar, APP

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

3 05-05-2015

Heard learned counsel for the petitioner as well as

learned Additional Public Prosecutor.

Miscreants raided brick-kiln and after tying the persons present there, took away cash, mobile set as well as tractor along with trailer for which, instant case has been registered against unknown. As is evident from the case diary tractor was found in a abandon condition while the trailer was seized from the garage of one Khublal Sahni. Furthermore, as is evident the name of the petitioner has been divulged by the aforesaid Khublal Sahni during course of inculpatory extra judicial confessional statement it has been submitted on behalf of petitioner that none is an eye witness to occurrence. It has also been submitted that nothing has been recovered from his possession. It has further been submitted that name of petitioner surface on extra judicial confessional statement of co-accused and that being so petitioner is entitled for an anticipatory bail.

The learned Additional Public Prosecutor opposed

the prayer.

The present case happens to be registered under Section 395, 397 and subsequently 412 of the IPC has also been added. Complicity of petitioner is to be seen not only on the basis of the inculpatory extra judicial confessional statement of co-accused rather during course of main offence also by having the petitioner put on T.I. Parade and for that, the ultimate remedy available to the petitioner is to surrender before the learned lower court for the aforesaid purpose. That being so instant petition happens to be devoid of merit and is accordingly rejected.

(Aditya Kumar Trivedi, J.)

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