

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.19096 of 2015

Arising Out of PS.Case No. -75 Year- 2012 Thana -BALRAMPUR District- KATIHAR

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Raj Kumar Rai @ Raju Rai, Son of Tukai Rai, resident of Village- Sadapur,
Police Station- Kadwa (Balua Below), District- Katihar.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Firoz Ahmad, Adv.

For the Opposite Party/s : Mr. J.N. Thakur, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH
ORAL ORDER

2 25-06-2015 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This is an application seeking anticipatory bail in a
case registered for the offences punishable under Sections 395 and
397 of the Indian Penal Code.

Learned counsel for the petitioner has submitted that
the petitioner is not named in the First Information Report and
after four months of the institution of the First Information Report,
the petitioner's name cropped up in course of investigation on the
basis of statement of the co-accused Raju Kumar. He contends that
there was no reason for Raju Kumar, a resident of a village barely
100 Kilometers away from the petitioner's residence, to identify
the present petitioner. Without going into the merits of such

submissions, I am not inclined to grant the petitioner privilege of anticipatory bail in view of the petitioner's involvement in five cases of serious nature as mentioned in paragraph 3 of the application, as also the fact that the present anticipatory bail application has been filed nearly three years after the petitioner's name having cropped up in the present Balrampur (Telta) P.S. Case No. 75 of 2012. There is no statement in the application that petitioner was not in know of his involvement in the present case.

This application is accordingly dismissed.

The petitioner is directed to surrender before the court below within four weeks and seek regular bail, if so advised. If he does so, the court below shall consider the petitioner's application for regular bail on its own merit without being prejudiced by rejection of the present anticipatory bail application by this Court.

(Chakradhari Sharan Singh, J.)

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