

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.50018 of 2014

Arising Out of PS.Case No. -104 Year- 2014 Thana -BARSOI District-KATIHAR

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Suraj Kumar Sah, Son of Sri Arjun Prasad Sah, Resident of Mohalla -
Durga Asthan, Police Station - Town, District – Katihar.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Shri Ajay Kumar, Advocate

For the Opp. Party : Shri Kalyan Shankar, APP

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CORAM: HONOURABLE SHRI JUSTICE DHARNIDHAR JHA
ORAL ORDER

3 02-07-2015

Heard.

The petitioner is not named in the First Information Report of Barsoi P.S. Case No. 104 of 2014 under Section 392 of the Indian Penal Code. Submission is that his name had appeared in the confessional statement of a co-accused and the police also created a record as if the petitioner had talked to some of the suspected accused through his cellular phone. It was lastly contended that the petitioner had received a notice to appear at the test identification parade for identifying the suspected accused and he had refused to participate.

The Court feels that Annexure-2 which is claimed to be under the hand of the informant does not have any connection or relevance as regards the case of the present petitioner because test identification parade could be held only in connection with

accused persons who are in custody. As is evident, petitioner seeks anticipatory bail. So the informant had refused to identify the petitioner in some test identification parade appears a baseless submission. Besides the Court is of the opinion that it is a fabricated record for reasons which have just been pointed out by the Court. It also indicates that the petitioner has access to some confidential records and it is always dangerous to direct such resourceful criminals to anticipatory bail.

The petition is dismissed.

(Dharnidhar Jha, J.)

Sanjay/-

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