

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49182 of 2014

Arising Out of PS.Case No. -316 Year- 2013 Thana -MOTIPUR District- MUZAFFARPUR

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1. Raushan Kumar @ Raushan Kumar Mishra Son of Ram Naresh Mishra
Resident of Village - Panapur, P.S. - Minapur, District - Muzaffarpur, Bihar

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ram Ganesh

For the Opposite Party/s : Mr. C.Sen Prasad Singh (App)

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CORAM: HONOURABLE SHRI JUSTICE DHARNIDHAR JHA
ORAL ORDER

3 02-07-2015 Heard.

The petitioner seeks anticipatory bail in connection with
Motipur P.S.Case No.316 of 2013 pending before SDJM (West),
Muzaffarpur under Sections 392 and 395 Indian Penal Code.

Submission is that he is not named in the FIR. His name
appeared in the confessional statement of co-accused Komal
Sharma and now the police are hunting for him to arrest him.

In cases of robbery or dacoity the FIR is generally
against unknown. It is suspicion upon which some suspects are
arrested and it is again their confession which leads to some more
names who are arrested and investigation in respect of their
complicities is proceeded with. If anticipatory bail is granted to a
person not named in the FIR of a case under Section 392 or 395

Indian Penal Code, it shall impede the investigation as on account of obtaining an order under Section 438 Cr.P.C. the accused may not be taken on police remand for questioning so as to gather some more clues and thus to proceed in further investigation of the case. Again, such a suspect could never be put on Test Identification Parade even when the police had urgently required to hold such a parade.

Petition appears meritless and the same is dismissed.

(Dharnidhar Jha, J)

B.Kr./-Saif.

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