

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12051 of 2015

Arising Out of PS.Case No. -25 Year- 2014 Thana -KUDHNI District- BHABHUA (KAIMUR)

1. Bechan Ansari Son of Rahman Ansari Resident of Village- Baruna, P.s.
Kuchhila, District- Kaimur(Babhua)

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Mishra

For the Opposite Party/s : Mr. Ajay Kumar-I(App)

CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

2 30-04-2015 Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

Petitioner apprehends his arrest in connection with
Kudhani P.S. Case No. 25 of 2014 registered for the offences
punishable under Sections 302/34 of the Indian Penal Code and
Section 27 of the Arms Act.

Petitioner is named in the first information report and
there is allegation against him that he opened fire on the deceased
but his firing did not hit the deceased.

The contention on behalf of the petitioner is that in
course of investigation, when further statement of informant was
recorded, he narrated a different story and did not name the
petitioner.

In my view, it is not a proper stage to test the genuineness and truthfulness of the first information report as well as statement recorded under Section 161 of the Cr.P.C. and suffice it to say that petitioner is named in serious case of murder, I do not think it proper to grant the privilege of anticipatory bail to the petitioner and accordingly, his prayer for anticipatory bail in connection with Kudhani P.S. Case No. 25 of 2014 pending in the court of Chief Judicial Magistrate, Bhabua stands rejected.

However, it is made clear that if petitioner surrenders and seeks regular bail, the competent concerned court shall consider the regular bail application of the petitioner on its own merit without being prejudiced by this rejection order.

(Hemant Kumar Srivastava, J)

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