

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.42422 of 2015**

Arising Out of PS.Case No. -261 Year- 2014 Thana -FATUHA District- PATNA

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Nitish Kumar @ Nitiah Kumar son of Late Sita Ram Prasad, resident of  
village- Gajpur, P.S.- Bind, District- Nalanda

.... .... Petitioner/s

Versus

The State of Bihar

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Bipin Kumar, Advocate

For the Opposite Party/s : Smt.Veena Rani Prasad, APP

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**CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR**  
**SINGH**  
**ORAL ORDER**

2      14-10-2015                      Heard learned counsel for the petitioner and learned  
counsel for the State.

The petitioner seeks pre-arrest bail in connection with  
Fatuha P.S. Case No.261 of 2014 registered under Section 386/34  
of the Indian Penal Code.

As per the prosecution case one Ganga Paswan along  
with his associates being variously armed with deadly weapons  
attacked at the house of informant, demanded ransom and  
committed robbery. In course of investigation, when Ganga  
Paswan was apprehended, he disclosed the name of the petitioner  
as one of his associates.

Learned counsel for the petitioner has submitted that the  
petitioner is not concerned in any manner with the aforesaid

Ganga Paswan. As a matter of fact, the petitioner is a driver and was driving Bolero vehicle which was snatched by the anti social elements on 5.8.2014 whereas the present FIR has been instituted on 8.8.2014. It is, thus, submitted that in no circumstance the petitioner could have participated in the alleged offence.

Learned counsel for the State has opposed the present application filed under Section 438 of the Code of Criminal Procedure. He has submitted that the allegations are quite serious and the name of the petitioner transpired during investigation. He submits that the police may require custodial interrogation of the petitioner.

Be that as it may, regard being had to the facts and circumstances of the case, I am not inclined to grant anticipatory bail to the petitioner. Accordingly, the application is dismissed.

**(Ashwani Kumar Singh, J)**

Md.S./-

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