

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45860 of 2015

Arising Out of PS.Case No. -78 Year- 2015 Thana -KAMTAUL District- DARBHANGA

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Manish Pathak @ Mani @ Manish Kumar Mani S/o Jawahar Pathak @
Paremeshwar Pathak Resident of Village Madhopatti, P.S. Kamtaul, District
Darbhanga.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Alok Kumar Tiwari

For the Opposite Party/s : Mr. Dasrath Mehta (App)

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 02-11-2015

Heard learned counsel for the parties.

Having regard to the nature of allegation for offence under section 394 of the Indian Penal Code and the fact that the petitioner has been named as one of the four persons to have robbed the informant, this Court is not inclined to grant privilege of anticipatory bail to the petitioner only because the informant in person had not identified the members of the gang including the petitioner by name and had given the name of the petitioner on enquiry from the people. The fact remains that the petitioner was immediately named in the F.I.R. and that such allegation has also been found to be substantiated in course of investigation in paragraphs no. 4, 5, 6, 35 and 40 of the case diary about which there is no averment in this application that they are incorrect.

That being so, the prayer for anticipatory bail of the

petitioner, who also has a criminal antecedent, is hereby rejected.

Nothing said in this order, however, will come in the way of the petitioner in surrendering and making a prayer for regular bail and if he does so, the same shall be considered on its own merit without being prejudiced by this order.

(Mihir Kumar Jha, J)

surendra/-

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