

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51673 of 2015

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Kailash Badhai @ Kailash Bhagat S/o Rambriksh Badhai R/o village -
Athri, P.S. - Runni Saidpur, District - Sitamarhi.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Dinesh Jha, Advocate.

For the Opposite Party/s : Mr. B. N. Pandey, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 18-12-2015

Heard both sides.

The petitioner apprehends his arrest in a case under Sections 147, 148, 149, 447, 386, 387/120(B) of the Indian Penal Code and Section 27 of the Arms Act.

The petitioner is not named in the F.I.R. The informant alleged that five persons came on two motorcycles and one person sitting in between the driver and the pillion rider fired which hit on the armpit of the informant. While the accused persons were fleeing, the accused also made firing causing injury to one boy. It is submitted that the name of the petitioner figured in the case in the confessional statement of Pankaj Patel and Birendra Sahni @ Anna Hazari @ Anna. There is absolutely no other evidence. The case relates to demand of extortion and due to non-fulfillment of demand of extortion, firing was made and name of the petitioner figured in the case in the confessional statement

of the co-accused.

Having considered the facts aforesaid, I am not inclined to enlarge the petitioner on anticipatory bail in Aurai P.S. Case No. 187/2014.

The petitioner, if so advised, may surrender in the court below and make prayer for regular bail. The court below shall consider the prayer for regular bail of the petitioner taking into consideration that the persons in whose statements name of the petitioner figured have already been granted regular bail.

(Prabhat Kumar Jha, J)

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