

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28557 of 2015

Arising Out of PS.Case No. -122 Year- 2014 Thana -BHAGWANPUR District- BEGUSARAI

Mirtunjay Kumar @ Mirtunjay Singh S/o Ram Naresh Singh R/o Vill. -
Naula, P.S. Bhagwanpur, Dist. - Begusarai.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

Appearance :

For the Petitioner/s : Mr. Shubhesh Pandey, Adv.

For the Opposite Party/s : Ms. Sharda Kumari (App)

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

5 24-11-2015 Heard both sides.

The petitioner apprehends his arrest in Bhagwanpur
P.S. Case No. 122/2014, registered for the offences punishable
under Section 392 of the Indian Penal Code.

The informant alleged that while he was returning four
persons surrounded him and one of them assaulted him with sharp
edged weapon on his head. The accused persons snatched his
motorcycle, money and other articles. The informant identified
one of the accused persons as nephew of Janardan Singh.

Learned counsel for the petitioner submits that the
petitioner is not named in the FIR, but during course of
investigation the witnesses have disclosed the name of the
petitioner in para 7 of the case diary, but the witnesses did not

state any facts about robbery of motorcycle and money of the informant.

It is submitted that prior to lodging of this case the petitioner lodged Bhagwanpur P.S. Case No. 111/2013 in which the informant is a witness. If the petitioner had participated in the occurrence, the informant must have identified the petitioner.

Having considered the facts, I find that the informant has very categorically stated that one person assaulted him on his head and other accused persons snatched his motorcycle and money. The witnesses disclosed that the petitioner was also one of the persons who assaulted the informant. Although the witnesses did not support the factum of robbery.

Considering the facts aforesaid, I am not inclined to enlarge the petitioner above named on anticipatory bail. Accordingly, the same is rejected.

The petitioner, if so advised, may surrender before the court below within four weeks from the date of receipt/production of a copy of this order and pray for regular bail and his prayer shall be considered on its own merit without being prejudiced by this order.

(Prabhat Kumar Jha, J.)

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