

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11120 of 2016

Arising Out of PS.Case No. -124 Year- 2015 Thana -BUXAR INDUSTRIAL District- BUXAR

1. Kanhaiya Tiwari Son of Hemant Tiwari R/O Village Dal Sagar P.S.
Buxar (Industrial) Dist. Buxar.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dr. Kamal Deo Sharma

For the Opposite Party/s : Mr. Md.Sufiyan(App)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 25-04-2016

Heard learned counsel for the petitioner and the State.

The petitioner is apprehending his arrest in connection with Buxar (Ind.)P.S.Case No. 124 of 2015 for the offences punishable under Section 392 of the Indian Penal Code, pending in the Court of learned C.J.M., Buxar.

The allegation against the petitioner is that he has robbed the motorcycle of the informant on the point of pistol. The robbed motor cycle has been recovered from co-accused Avinash Kumar Upadhyay. Co-accused Avinash Kumar Upadhyay has disclosed the name of the petitioner in his confessional statement.

It has been submitted on behalf of the petitioner that the petitioner has falsely been implicated in the present case. The petitioner is not named in the FIR. On the confessional statement

of co-accused, the name of the petitioner has come. There is no recovery of any stolen property from the possession of the petitioner. It is further submitted that other co-accused has been granted bail in Cr.Misc. No. 48684 of 2015. It is also submitted that compromise has already been entered into between the parties.

On behalf of the State, it is submitted that the name of the petitioner has come in course of investigation and the case relates of highway robbery.

Considering the aforesaid facts and circumstances of the case, I am not inclined to grant anticipatory bail to the petitioner and the same is rejected.

Any how, if the petitioner surrenders in the court below and pray for regular bail, same shall be considered on its own merit without being prejudiced by this order of rejection taking into account the submissions made on behalf of the petitioner.

(Sudhir Singh, J)

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