

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39388 of 2016

Arising Out of P.S. Case No. -251 Year- 2016 Thana -KADAMKUAN District- PATNA

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Bipul Kumar @ Vipul Kumar, S/o Akhilesh kumar Singh, R/O Village –
Mogalpur (Dih), P.S. Bakhtiyarpur, District Patna.

.... Petitioner/s

Versus

1. The State of Bihar.

2. The state of Bihar through Vigilance, Bihar Patna.

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Bhaskar Shankar, Advocate.

For the Opposite Party/s : Mr. Parmeshwar Mehta, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 30-09-2016 Heard both sides.

The petitioner apprehends his arrest in Spl. Case No. 31/2016 arising out of Kadamkuan P.S. Case No. 251/2016 registered under Section 386 and other sections of the Indian Penal Code and Section 11 of the Prevention of Corruption Act.

The informant alleged that the petitioner and three other constables snatched Rs. 40,000/- from him on the pretext that the informant and others were playing gambling.

Sri Krishna Prasad Singh, learned senior counsel for the petitioner submits that the informant and others were playing gambling. The petitioner snatched money from them and presented the same before the S.H.O. of Kadamkuan Police



Station. It is submitted that from Page 15 of the brief, it would appear that the petitioner and others presented the money to the S.H.O. of Kadamkuan Police Station. The petitioner was not apprehended as the petitioner did not commit any crime. It is further submitted that Amit Kumar, another constable, was arrested. He has already been granted regular bail by this Court vide order passed in Cr. Misc. No. 36067/2016.

It appears that four constables are alleged to have snatched money from the possession of the informant on the allegation that they were playing gambling and presented the same to the police station. The petitioner was also asked to sit at the police station but he went away. Amit Kumar was apprehended and he has already been granted regular bail. The case of the petitioner stands on the same footing.

Considering the facts aforesaid, I am not inclined to enlarge the petitioner on anticipatory bail in Special Case No. 31 of 2016, arising out of Kadamkuan P.S. Case No. 251/2016. Accordingly, the same is rejected.

If the petitioner surrenders in the court below, the court below shall consider the prayer for regular bail of the petitioner taking into consideration that similarly situated accused Amit Kumar has already been granted regular bail and the case of

the petitioner stands on the same footing and shall dispose of the
bail petition of the petitioner on the same day.

(Prabhat Kumar Jha, J)

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