

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50137 of 2015

Arising Out of PS.Case No. -74 Year- 2015 Thana -NIMCHAKBATHANI District- GAYA

=====

Pintu Kumar @ Pintu Kumar Yadav son of Sanjay Yadav resident of
Village - Hemara, O.P. Sarbadha, P.S. - Khizarsarai, District - Gaya.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

=====

Appearance :

For the Petitioner : Mr. Kunwar Narayan Jamuar, Advocate
For the Opposite Party/s : Mr. Tapeswar Sharma, APP

=====

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 17-03-2016 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is apprehending his arrest in connection
with Neemchak Bathani P.S. Case No. 74 of 2015 pending in the
Court of learned Judicial Magistrate, Ist Class, Gaya for the
offences instituted under Sections 379, 411, 413 and 414/34 of the
Indian Penal Code.

As per the prosecution case that the informant was on
patrolling duty and intercepted a motorcycle on which two persons
were sitting and from the possession of Pappu Kumar a country
made gun with live cartridge and misfired cartridge were
recovered and said Pappu Kumar stated that he purchased the said
motorcycle from Pintu Kumar and a gun was purchased from

unknown persons about one year before at the cost of Rs.600/-.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. There is no recovery of any incriminating article from the possession of this petitioner. Petitioner has been named in the FIR merely on the confession of a co-accused Pappu Kumar who was apprehended on the spot. There is admitted enmity between the petitioner and the said co-accused, namely, Pappu Kumar.

On behalf of the State, it has been submitted that the petitioner is named in the FIR and has actively participated in the alleged occurrence.

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

Anyhow, if the petitioner surrenders in the court below within a period of four weeks, the same shall be considered on its own merit without being prejudiced by this order taking into account the submissions made on his behalf and, if possible, the same may be disposed of on the same day.

(Sudhir Singh, J)

B.Kr./-

U		T	
---	--	---	--