

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43885 of 2016

Arising Out of PS.Case No. -188 Year- 2014 Thana -HISUA District- NAWADA

=====

1. Rajiv Kumar S/o Umesh Singh resident of Village- Sinduari, P.S.-
Narhat, District- Nawada.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Devendra Prasad Singh

For the Opposite Party/s : Mr. Smt. Sahin Begam

=====

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

3 23-11-2016 Heard both sides.

The petitioner apprehends his arrest in Hisua P.S.
Case No. 188/2014, registered for the offences punishable under
Section 394 of the Indian Penal Code.

The informant alleged that he was going to Bhelu
Bigha with his son Shankar Prasad on a motorcycle for the
purpose of distribution of pension but three youths came with an
Apache motorcycle and looted away money, pension voucher,
pension cards, stamp pad etc., and fled away towards Hisua.

Learned counsel for the petitioner submits that the
petitioner is not named in the FIR. On mere suspicion, the name of
the petitioner figured in the case. The spy of the police disclosed
the name of the petitioner Rajiv Kumar, son of Umesh Singh

along with other accused persons and the vehicle used in the occurrence is of Nishu Kumar, but later on the Guptchar stated that the petitioner Rajiv Kumar, s/o Umesh Singh is not involved in the case. The petitioner has got no criminal antecedent *but* from perusal of the order sheet itself it appears that during course of the investigation the co-accused have confessed their guilt and disclosed the name of the petitioner. The clothes of the petitioner was recovered and it transpired that the accused was wearing same colour of clothes at the time of occurrence and the case under Section 394 of the Indian Penal Code is found true against the petitioner. The Investigating Officer requires custodial interrogation of the petitioner and he shall be required to be put on TIP for identification.

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

(Prabhat Kumar Jha, J.)

Rakhi

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