

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45656 of 2016

Arising Out of PS.Case No. -321 Year- 2012 Thana -MANIGACHI District- DARBHANGA

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Mithilesh Roy Son of Yogendra Roy R/o Village + PO- Sarisabnahi, PS- Pandaul, District- Madhubani.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Soban Asghar, Adv.

For the Opposite Party/s : Mr. Parmanand Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

3 07-12-2016 Heard both sides.

The petitioner apprehends his arrest in Manigachhi P.S. Case No. 321/2012, registered for the offences punishable under Section 392 of the Indian Penal Code.

The informant alleged that while he along with his wife was going to his sasural on Hero Honda motorcycle bearing registration no. BR07H2757, two miscreants came on a motorcycle, intercepted the informant and his wife, looted away different articles and motorcycle of the informant.

Learned counsel for the petitioner submits that petitioner is not named in the F.I.R. Nothing has been recovered from the possession of the petitioner. Name of the petitioner figured in the confessional statement of the co-accused, but he is not Mithilesh



Mandal. The co-accused disclosed the name of Mithilesh Mandal, but it appears that petitioner had filed anticipatory bail petition vide Cr. Misc. No. 18852/2015 in which the petitioner concealed about his criminal antecedent and the anticipatory bail petition of the petitioner was dismissed as withdrawn vide order dated 01.09.2015, on that ground alone, again the petitioner filed this anticipatory bail petition on 22.09.2016 after one year. Petitioner has got criminal antecedent. This is a case of highway robbery in which petitioner may be taken up for custodial interrogation. The petitioner may be put on Test Identification Parade after being arrested, if required 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.)

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