

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 45839 of 2016

Arising Out of PS.Case No. -11 Year- 2016 Thana -BASANTPUR District- SIWAN

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Rahul Kumar, Son of Rama Shanker Prasad, Resident of Village- Balia, Police
Station- Maharajganj, District- Siwan.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raghav Prasad, Advocate
For the State : Mr. Umeshnand Pandit, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 20-10-2016

Heard learned counsel for the parties.

The petitioner apprehends arrest in connection with
Basantpur P.S. Case No. 11 of 2016 dated 28.01.2016 instituted
under Section 394 of the Indian Penal Code and 27 of the Arms Act.

The allegation against the petitioner, along with three
others, is of snatching away the mobile from the informant.

Learned counsel for the petitioner submits that he is
not named in the F.I.R. and only later, on the confessional statement
of co-accused Vivek Kumar Singh, he has been made an accused in
the present case. It is submitted that there is no recovery from him
and he is student of B.A. having no criminal antecedent.

Learned A.P.P. opposes the prayer and submits that
the petitioner has been named by the co-accused and at this stage, it
cannot be brushed away as the police have to investigate and during

investigation various materials come to the notice of the police including complicity of persons when other co-accomplices are caught.

Having considered the facts and circumstances of the case, the Court is not inclined to enlarge the petitioner on anticipatory bail.

Accordingly, the application stands dismissed.

(Ahsanuddin Amanullah, J.)

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