

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16449 of 2016

Arising Out of PS.Case No. -131 Year- 2015 Thana -RASULPUR District- SARAN

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Suraj Manjhi @ Puali Manjhi Son of Binda Manjhi Resident of Village-
Atarsan, P.S.-Rasulpur, District- Saran at Chapra.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Nawal Kishore Singh, Advocate.

For the Opposite Party/s : Mr. Parmanand Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 10-05-2016

Heard both sides.

The petitioner apprehends his arrest in a case under Sections 399, 402, 120(B) of the Indian Penal Code and Sections 25(1-B), 36 and 35 of the Arms Act.

The informant, a police officer, raided the place of occurrence and apprehended many accused persons with arms and ammunicions while they were preparing for committing crime. It is submitted that the petitioner was not apprehended on the spot. The apprehended accused persons disclosed the name of the petitioner. Save and except the confessional statement of the co-accused, there is no material against the petitioner showing his involvement in committing the offence.

Considering the nature of allegation made against the petitioner and the fact that the petitioner was also present along

with other accused persons from whose possession arms and ammunitions were recovered but the petitioner managed to flee away from the place of occurrence and that the petitioner has criminal antecedent, I am not inclined to enlarge the petitioner on anticipatory bail in Rasulpur P.S. Case No. 131 of 2015. 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 without being prejudiced by this order and taking into consideration that co-accused Satendra Yadav @ Satyendra Yadav, who was arrested on the spot, has already been granted regular bail and dispose of the bail petition of the petitioner on the same day.

(Prabhat Kumar Jha, J)

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