

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48716 of 2015

Arising Out of PS.Case No. -38 Year- 2015 Thana -CHOUTARWA District- WEST
CHAMPARAN(BETTIAH)

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Raju Choudhary, S/o Shambhu Choudhary, Resident of Village- Tilangahi,
P.S.- Bairia, District-West Champaran.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Sanjeev Kumar, Advocate.

For the Opposite Party : Mr. Panchanand Pandit(APP)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 04-02-2016 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is apprehending his arrest in connection
with Choutarwa (Bhairoganj) P.S. Case No. 38 of 2015 for the
offence instituted under Section 394 of the Indian Penal Code and
25(1-B)a/26/35 of the Arms Act.

The prosecution story, in brief, is that informant has a
whole sale business of fish at Bhairoganj market. On 01.02.2015
he along with Rajesh Sah proceeded from Bhairoganj to his house
by motorcycle and when he reached near Noniyapatti Basgaon,
five persons on two motorcycles came and dashed in his

motorcycle due to which he and Rajesh Sah fell down. Thereafter two persons came and started assaulting by means of katta on his head and asked to pay money otherwise they will shot him dead. They took Rs.11, 000/-, carbon mobile with SIM of Airtel and Uninor and bag from his possession.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. It is further submitted that the petitioner is not named in F.I.R. The name of the petitioner has come on the basis of confessional statement of co-accused, which has got no evidentiary value in the eye of law. It is further submitted that there is no recovery of any incriminating article from the possession of the petitioner.

On behalf of the state, it has been submitted that the petitioner is not named in the F.I.R. and his name has come in course of investigation and he has actively participated in the alleged occurrence

Considering the aforesaid facts and circumstances, I am not inclined to grant anticipatory bail to the petitioner. The same is rejected in connection with Choutarwa (Bhairoganj) P.S. Case No. 38 of 2015, pending in the court of the learned A.C.J.M., Bagaha, West Champaran. Anyhow, if the petitioner surrenders in the court below within a period of six weeks from the date of

receipt/production of copy of this order, the same shall be considered on its own merit without being prejudiced by this order.

(Sudhir Singh, J.)

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