

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.1087 of 2017

Arising Out of PS.Case No. -798 Year- 2014 Thana -MUZAFFARPUR TOWN District-
MUZAFFARPUR

=====

Vikash Kumar

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Manoj Kumar Manoj, Advocate.

For the Opposite Party : Mr. Chandra Bhushan Prasad, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 13-01-2017 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is apprehending his arrest in connection
with Muzaffarpur (East) Town P.S. Case No. 798 of 2014 for the
offences instituted under Sections 382/34 of the IPC.

The prosecution story, in brief, is that the informant
arrested Sikandara Kumar and Deepak Kumar while they engaged
in cutting the lock. They disclosed the name of persons who fled
away as co-accused Kunal Kumar and this petitioner. Recovery
was made from possession of apprehended persons.

It has been submitted on behalf of the petitioner that the
petitioner has got no criminal antecedent. There is no allegation of
tampering with the witnesses alleged against the petitioner. He has
been made accused in the present case on the basis of disclosure



made by one Sikandara Kumar and Deepak Kumar. Except for this, there is no other substantive evidence to suggest his implication in the present case.

On behalf of the State, it has been submitted that the petitioner is named in the F.I.R. Two co-accused were apprehended on the spot who disclosed the name of the petitioner as one of the participants. The petitioner had managed to escape from the place of 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 Muzaffarpur (East) Town P.S. Case No. 798/2014, pending in the court of learned J.M. Ist Class, Muzaffarpur. If the petitioner surrenders in the court below, the same shall be considered on its own merit without being prejudiced by the order of this Court preferably on the same day.

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(Sudhir Singh, J)

