

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2727 of 2017

Arising Out of PS.Case No. -49 Year- 2016 Thana -DHARHARA District- MUNGER

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Rakesh Kumar Sah @ Rakesh Kumar Raka son of Late Rajendra Sah
resident of Mohalla - Janta More Jamalpur, Police Station - Jamalpur,
District - Munger.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Binay Kumar

For the Opposite Party/s : Mr. Sri Sanjay Kumar Sharma

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

3 01-03-2017 Heard the learned counsel for the petitioner as well as
the learned A.P.P. for the State.

In this application for anticipatory bail the petitioner
apprehends his arrest in connection with Dharhara P.S. Case No.
49 of 2016 for the offences punishable under sections 302 and 120
(B)/34 of the I.P.C and section 27 of the Arms Act.

Allegedly, the deceased was released from the jail and
he was having enmity with Sanjay Yadav and Rajiv Prasad and
thereafter mother of the deceased came to know on 30.06.2016
that her son was shot dead under Dharahara Police Station near
Harsadhar. At the time of release of the deceased from jail Sanjay
Yadav, his brother Rajiv Yadav, Dhananjay Yadav and Hira



Kumar were watching her son. She suspected the involvement of the named accused persons as well as some unknown persons. During investigation Hira Sahani in his confessional statement named the petitioner also and further witness Anil Kumar, vide paragraph- 76 of the case diary, has also stated the name of the petitioner.

Submission is of false implication and that the petitioner has got no concern either with the deceased or with Sanjay Yadav, the deceased was himself a veteran criminal, the petitioner has got no concern with the alleged occurrence, without any legal and cogent material the petitioner is apprehending his arrest and as such he deserves sympathetic consideration.

The learned A.P.P. opposes prayer for pre-arrest bail of the petitioner.

In the facts and circumstances as stated above, considering that besides confessional statement of a co-accused and the suspicion as raised by witness Anil Kumar in paragraph- 76 of the case diary there is no other material against the petitioner and as such the petitioner, in case of his arrest or surrender within four weeks from the date of receipt/production of a copy of this order shall be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each



to the satisfaction of. Sri Sone Lal Rajak, J.M. 1st Class, Munger in connection with above mentioned case, subject to the conditions as laid down in section 438 (2) of the Cr.P.C.

Abhay/-

(Jitendra Mohan Sharma, J)

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