

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47474 of 2016

Arising Out of PS.Case No. -300 Year- 2011 Thana -AURANGABAD TOWN District-
AURANGABAD

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Rakesh @ Vikash Kumar Singh S/o Sanjay Singh resident of Village-
Puraini, P.S.- Mali, District- Aurangabad.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bhaskar Shankar

For the Opposite Party/s : Mr. Sri Manish Kumar 2

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

ORAL ORDER

6 13-04-2017 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 Aurangabad (Town) P.S. Case No. 300 of 2011 for the offences punishable under sections 307, 120 (B) and 302 of the I.P.C and section 27 of the Arms Act.

Allegedly, the informant and his mother Kiran Devi were going to attend the call of nature and as soon as they reached near the culvert, 2-3 persons came on the motorcycle and started boarding the mother of the informant on the motorcycle and then the informant tried to rescue her then he saw that Rakesh Kumar and two others were forcibly dragging her mother on the



motorcycle and two persons threw the informant in the ditch and went away with the mother of the informant. The informant ran away and chased and then he saw that his mother is crying and was falling on the road and his mother told him that Rakesh, friend of Chandan, shot her. The mother made call through mobile in the house and told that Rakesh, friend of Chandan, shot her. The police came and brought her at the hospital. Chandan was pressurizing to withdraw the case which was lodged by the father of the informant as Chandan has kidnapped the sister of the informant.

Submission is of false implication and that there is no material against the petitioner, the real name of the petitioner is Vikash Kumar Singh, during investigation it has not come that the petitioner Rakesh is Vikash Kumar Singh and in the identification he was not identified but in the confessional statement and further the informant in paragraph-195 of the case diary has stated that he enquired and identified Rakesh and he is really Vikash Kumar Singh, the informant being minor boy appears not believable that he identified the petitioner and as such the petitioner deserves sympathetic consideration.

The learned A.P.P. opposes prayer for pre-arrest bail of the petitioner by submitting that the name of the petitioner transpires in the confessional statement as well as in the statement



of Golu Kumar, the informant.

In the facts and circumstances as stated above, considering the allegation attributed against the petitioner, I am not inclined to grant privilege of pre-arrest bail to him and accordingly his such prayer stands rejected in connection with the aforementioned case pending in the court of C.J.M. Aurangabad.

(Jitendra Mohan Sharma, J)

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