

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.55605 of 2016

Arising Out of PS.Case No. -109 Year- 2016 Thana -GAYA KOTWALI District- GAYA

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1. Md. Rinku @ Shamsher, Son of Late Md. Sabbir, resident of the Village-36 (Bankey Gali), (Panchayati Akhara), P.S. Kotwali, District- Gaya.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Sinha

For the Opposite Party/s : Mr. Rana Randhir Singh

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

2 12-01-2017 Heard both sides.

The petitioner apprehends his arrest in Kotwali P.S. case No.109 of 2016 under Section 395 of the Indian Penal Code.

The informant alleged that five criminals entered into his house, committed dacoity, looted away different articles and ornaments.

The learned counsel for the petitioner submits that petitioner is not named in the FIR. The name of the petitioner firstly figured in the confessional statement of co-accused and later on at the instance of Bhola Mian and Chunnu Khan who are on inimical term with the petitioner. Other accused persons have already been granted regular bail vide orders passed in Cr. Misc. No. 54749 of 2016 and Cr. Misc. No.52542 of 2016.



Having considered the facts aforesaid and the fact that petitioner has got criminal antecedent, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, the same is rejected.

If the petitioner surrenders in the court below, i.e., the learned Chief Judicial Magistrate, Gaya in Kotwali P.S. case No. 109 of 2016, the learned court below shall consider the prayer for regular bail of the petitioner on its own merit without being prejudiced from the order of this court and taking into consideration the fact that other accused persons have already been granted bail.

(Prabhat Kumar Jha, J)

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