

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44133 of 2016

Arising Out of PS.Case No. -32 Year- 2015 Thana -KAUAKOL District- NAWADA

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1. Kara Yadav Son of Sahdeo Yadav resident of Village- Itabandh, P.S.-
Chandrapur, Dist- Jamui.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shakti Suman Kumar

For the Opposite Party/s : Mr. Sri Shyameshwar Dayal

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

04 16-01-2017

Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

Petitioner apprehends his arrest in connection with
Kawakol Police Station Case No. 32 of 2015 registered for the
offences punishable under Sections 364, 120B/34 of the Indian
Penal Code.

No doubt, petitioner is neither named in the first
information report nor in the statement of victim and the name of
petitioner surfaced in course of investigation in the confessional
statement of co-accused Gorelal Yadav, who has already been
granted privilege of bail by a co-ordinate Bench of this Court, but
it is a serious case of Section 364, 120B/34 of the Indian Penal
Code and, admittedly, the name of petitioner surfaced in course of



investigation in the confessional statement of the co-accused Gorelal Yadav, therefore, in my view, it is not a fit case for grant of anticipatory bail to the petitioner because if the petitioner is granted privilege of anticipatory bail, the investigating officer shall be deprived of making custodial interrogation of the petitioner.

Accordingly, the prayer of the petitioner for grant of anticipatory bail in connection with Kawakol P.S.Case No. 32 of 2015, pending in the court of Additional Chief Judicial Magistrate, Nawada stands rejected.

However, this order shall not cause any prejudice to the concerned court at the time of consideration of regular bail application of the petitioner.

(Hemant Kumar Srivastava, J)

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