

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9168 of 2017

Arising Out of PS.Case No. -135 Year- 2015 Thana -UJIYARPUR District- SAMASTIPUR

=====

Md. Eklakh @ Akhlakh Son of Late Md. Mobin, resident of village
Bishanpur, P.S. Muffasil, District - Samastipur.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Jai Prakash Singh

For the Opposite Party/s : Sri Sanjay Kumar Sharma

=====

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

4 24-04-2017 Heard both sides

The petitioner apprehends his arrest in Ujiarpur P.S.
Case No. 135 of 2015 registered for the offences punishable under
sections 414, 353, 307/34 of the Indian Penal Code and section 25
(1-b) A, 26, 27 and 35 of the Arms Act.

The Police got information that some accused have
assembled to commit crime and on such information, the Police
raided that place, but three accused persons managed to flee away
on motor-cycle and on chase, one Laxman Rai @ Ram Laxman
Rai was apprehended and from his possession, one loaded
country-made pistol and four live cartridges were recovered and
he is said to have named the petitioner and others.

The counsel for the petitioner submits that the



petitioner was not apprehended on spot and nothing has been recovered from his possession. The petitioner and Laxman Rai have inimical term and that's why, Laxman Rai disclosed the name of the petitioner and others.

It appears that from the possession of Laxman Rai, who was apprehended on spot, arms and ammunition were recovered and he disclosed the names of petitioner and others, who managed to flee away. The petitioner has got criminal antecedent.

Considering the facts and circumstances, I am not inclined to enlarge the petitioner above named on anticipatory bail. Accordingly, the same is rejected.

If the petitioner surrenders in the court below, the court below shall consider his case for regular bail taking into consideration that Lakshman Rai @ Ram Lakshman Rai @ Laxam Rai @ Ram Laxam Rai, who was arrested on spot, has already been enlarged on bail by a coordinate Bench of this Court in Criminal Misc. No. 40124 of 2016 on 30th November 2016.

(Prabhat Kumar Jha, J)

Mahesh/-

U		T	
---	--	---	--

