

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.62128 of 2017

Arising Out of PS.Case No. -413 Year- 2017 Thana -ARA NAWADA District- BHOJPUR

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1. RAKESH KUMAR S/o Pankaj Kishore Singh, R/o Village/Mohalla-
Anaith, P.S.- Ara Nawada, District- Bhojpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Maya Shankar Mishra

For the Opposite Party/s : Mr. Sri Lakshmi Kant Sharma

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

ORAL ORDER

3 25-01-2018 Heard the learned counsel for the petitioner and
learned APP for the State.

In this application, the petitioner apprehends his
arrest for the offences in connection with Ara Nawada P.S. Case
No. 413 of 2017 punishable under Section 307, 342, 120(B),
324/34 of the Indian Penal Code.

Allegedly, the informant was shot and he named three
accused in the crime and further that the petitioner is the master
mind.

Submission is of false implication that the petitioner
was in judicial custody since 28.08.2017 and he was released on
23.09.2017 in Excise case no. 5303 of 2017 and, as such, his
presence on 22.09.2017 appears not probable and reasonable and,



as such, the petitioner deserves sympathetic consideration.

Learned APP submits that the petitioner was not present at the place of occurrence rather from jail custody, he got the crime committed and he is master find and further he has got criminal antecedent.

Considering the facts and circumstances as stated above and considering the allegation attributed against the petitioner which find support during investigation and, as such, I am not inclined to grant the privilege of pre-arrest bail to the petitioner and accordingly, his prayer stands rejected in connection with Ara Nawada P.S. Case No. 413 of 2017 pending before learned Chief Judicial Magistrate, Bhojpur (Ara).

However, in case and if so advised, the petitioner surrenders and seeks regular bail, and then his prayer for regular bail shall be considered on its own merit without being prejudiced by this order.

(Jitendra Mohan Sharma, J)

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