

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.74003 of 2018

Arising Out of PS. Case No.-309 Year-2018 Thana- MADHAURAH District- Saran

Kamlesh Rai, S/o Mukhlal Rai@ Mukhlal Yadav Resident of Village-
Shawajpur, P.S. Marhowrah, Distt. Saran at Chapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajani Kumari

For the Opposite Party/s : Mr. Ajay Kumar -2

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 19-12-2018 Heard both sides.

Petitioner apprehends his arrest in Marhowrah P.S.
Case No.309 of 2018, registered under Sections 399, 402 and
414 of the Indian Penal Code and under Sections 25(1-b) a, 26,
27 of the Arms Act.

The SHO of Marhowrah police station on secret
information that some dacoits had assembled in the orchard and
they were planning to commit dacoity, the informant constituted
a raiding party and raided the place of occurrence. Two persons
were apprehended from there and other accused persons
managed to flee away. The apprehended accused disclosed their
name as Nanhaki Nut @ Sunil and Annu Nut.

Learned counsel for the petitioner submits that
petitioner is not named in the FIR. Nothing has been recovered



from possession of the petitioner. The name of the petitioner surfaced in the case only in the confessional statement of other accused. Petitioner is the son of owner of the vehicle seized in this case. The driver of the vehicle was plying the vehicle on hire and petitioner has no manner of concern with the occurrence but it appears that two accused persons were apprehended from the spot and stated the name of the petitioner as one of their accomplices and disclosed that the petitioner and others had assembled there to commit dacoity. The vehicle of the petitioner was also seized from the place of occurrence.

Considering the facts aforesaid, I am not inclined to enlarge the bail on anticipatory bail. Accordingly, the prayer for anticipatory bail of the petitioner is rejected.

(Prabhat Kumar Jha, J)

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