

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33030 of 2018

Arising Out of PS. Case No.-316 Year-2015 Thana- MOTIPUR District- Muzaffarpur

Vijay Sahani, S/o Jagarnath Sahani, R/o Village- Kanti Gosai Tola, P.S.-
Kanti, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar @ S.K.
For the Opposite Party/s : Mr. Sri Umanath Mishra

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 02-07-2018 Heard the learned counsel for the petitioner and
the State.

The petitioner seeks bail in anticipation of his arrest in connection with Motipur P.S. Case No. 316 of 2015 dated 19.11.2015 instituted for the offences under Sections 399, 402, 414, 120(B) of the Indian Penal Code and Section 27, 25(1-b)a/26(ii)35 of the Arms Act.

Though the petitioner has been named in the FIR but he was not arrested at the spot. Obviously therefore, his name has transpired on the statement of some of the accused persons who have been arrested at the spot. From the possession of two of them, pistols were recovered but from the possession of others, articles of common use including mobile phones were



recovered.

Learned counsel for the petitioner has submitted that from the FIR also, it does not appear to be clear as to who named the petitioner.

The petitioner does not have any criminal antecedent.

Regard being had to the fact that the petitioner has been named in the FIR with such allegation, I am not inclined to grant anticipatory bail to him.

However, in case the petitioner surrenders and prays for bail, the court below shall look into the fact that the petitioner does not have any criminal antecedent and his name has transpired in the statement of some of the accused persons who were arrested at the spot.

The petition is dismissed with the liberty aforesaid.

(Ashutosh Kumar, J)

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