

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.1121 of 2018

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Abhishek Kumar @ Abhishekh Kumar, Son of Kameshwar Sharma,
resident of Village- Krishnapuri near RNAR College, Ward No. 9, Police
Station- Samastipur (M), District- Samastipur.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Lakshmindra Kumar Yadav, Advocate

For the Opposite Party/s : Mr. Ram Naresh Ray, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 18-01-2018 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner seeks pre-arrest bail in connection
with Khanpur P.S. Case No. 74 of 2016 registered under Section
394 of the Indian Penal Code.

It is submitted by the learned counsel for the
petitioner that two other co-accused Rajeev Kumar Paswan @
Chhotu and Rohit Kumar whose named transpired during
investigation in the confession made by the co-accused have
already been granted pre-arrest bail and the case of the petitioner



stand on identical footing.

The allegation made in the first information report (for short 'FIR') is that three miscreants intercepted the informant on the way, assaulted him with bamboos and on the point of pistol looted away his Cellphones, motor cycle and cash. The FIR was registered against unknown. The looted motorcycle was recovered from the possession of co-accused Shubham Singh @ Milkha Singh @ Ishu and it was Shubham Singh @ Milkha Singh @ Ishu, who disclosed the name of the petitioner, as one of the miscreants, who had actively participated in commission of the crime.

Perused the orders by which co-accused Rajeev Kumar Paswan @ Chhotu and Rohit Kumar have been granted pre-arrest bail by different benches of this Court.

Having regard to the nature of the offence, materials collected during investigation and the role alleged to have been played by the petitioner in commission of crime, with due regard to the orders passed by different benches of this Court, I am unable to persuade myself to have the same view for the reason that the name of the petitioner has transpired in course of investigation and the person from whom looted



property has been recovered has named the petitioner as an active participant in the crime and the police may require his custodial interrogation, as also they may require him to be put on Test Identification Parade in order to ascertain his involvement in crime.

Accordingly, the application is rejected.

(Ashwani Kumar Singh, J.)

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