

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11122 of 2018

Arising Out of PS.Case No. -440 Year- 2017 Thana -SIKARPUR District-
WESTCHAMPARAN(BETTIAH)

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Santosh Kumar Mishra, S/o- Kanhaiya Mishra, resident of Hardiya, Ward
No. 21, Narkatiaganj, P.S.- Shikarpur, District- West Champaran.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Abhinay Raj

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

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 24-04-2018

Heard learned counsel for the petitioner.

Petitioner apprehends his arrest in connection with
Shikarpur P.S.Case No. 440 of 2017 registered for the offences
punishable under Sections 302/34 of the Indian Penal Code and 27
of the Arms Act.

At the very outset, learned counsel for the informant has
raised objection regarding maintainability of the anticipatory bail
application as process under Section 82 Cr.P.C. has been issued
against the petitioner.

Petitioner is not named in the FIR and later on his name
transpires during course of investigation.

Submission of learned counsel for the petitioner is that he
has filed this application for grant of anticipatory bail prior to



issuance of process under Section 82 Cr.P.C. and further submission is that except confessional statement there is nothing against him.

Heard learned APP and learned counsel for the informant. They have opposed the prayer for anticipatory bail stating that confessional statement has been made before the police by co-accused stating that he has killed the deceased at the instance of the petitioner.

Having heard both sides and in the facts and circumstances, this is not a fit case for grant of privilege of anticipatory bail, rather petitioner to surrender and pray for regular bail, which shall be considered on its own merit, without being prejudiced by this order.

With the above observation, this application is dismissed.

(Vinod Kumar Sinha, J)

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