

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 57896 of 2018

Arising Out of P.S. Case No.-169 Year-2017 Thana- EKANGAR SARAI District- Nalanda

Dipu Kumar Son of Raj Ballav Gope @ Raj Ballabh Prasad, Resident of
Village - Bhattu Bigaha, Police Station - Tharthari, District - Nalanda.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL JUDGMENT

Date : 10-12-2018

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends arrest in Ekangar Sarai P.S.
Case No. 169 of 2017 dated 05.10.2017 instituted under Sections
399/401/402/414 of the Indian Penal Code and Sections 25 (1-B)
(a), 26/35 of the Arms Act, 1959.

3. The petitioner is accused of planning to rob a Bank. It
was alleged that the police got information and intercepted a
vehicle from which five criminals started running, out of which
three were caught and two succeeded in running away and the
petitioner is alleged to be one of the persons.

4. Learned counsel for the petitioner submitted that he
was not caught at the spot and has been falsely implicated. It was



further submitted that nothing incriminating has been recovered from his possession. It was submitted that the petitioner lives away from the village of the persons caught and, thus, has no connection with the alleged occurrence.

5. Learned A.P.P. submitted that the petitioner is a habitual offender and in five police stations from 2011 till 2017, there are similar cases and grave in nature against him. Learned counsel further submitted that from the vehicle which was seized, loaded country made pistol from each person caught and Rs. 10,000/- cash have also been recovered. It was submitted that if the petitioner was unknown to the persons who have been caught, his name to be known and taken by them in the confessional statement could not have been possible and, thus, they having taken the name of the petitioner, indicates his complicity.

6. Considering the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is not inclined to enlarge the petitioner on anticipatory bail.

7. The application, accordingly, stands dismissed.

(Ahsanuddin Amanullah, J.)

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