

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5187 of 2019

Arising Out of PS. Case No.-128 Year-2017 Thana- PHULWARIA District- Begusarai

Rahul Kumar @ Shankar Kumar S/o Sudhir Kumar Chodhari Resident of
Village - Malti, Ward No.- 02, Post.- Pipra Devas, Police Station Fulwaria,
District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravindra Kumar @ Ravindra Kr Rai

For the Opposite Party/s : Mr.Mukesh Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 20-09-2019 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises
out of Phulwaria Police Station Case No. 128 of 2017,
disclosing offences under Section 302/34 of the Indian Penal
Code and Section 27 of the Arms Act.

The allegation against the petitioner, as per the First
Information Report, is that on 25.10.2017, at about 10 pm, the
informant received an information from one person on his
mobile that his brother is lying in critical condition in Alexia
hospital and when the informant arrived at the hospital, he
found his brother dead. On enquiry, one Sajjan Shekhar Thakur,
who had informed the informant on his mobile, disclosed that



both of them were going to Barauni Railway Station on a Splendor motorcycle and when they reached near Barauni Railway Station, two miscreants on a motorcycle, holding pistols in their hands, intercepted the motorcycle of the deceased and tried to snatch their bags and in the sequel, the miscreants succeeded in snatching the bag from said Sajjan Shekhar Thakur, which contains cash, laptop etc. and thereafter they tried to snatch the bag of the deceased, but he resisted, upon which the accused persons fired from the pistol, as a result of which, the brother of the informant sustained bullet injury on his abdomen and later on succumbed to his injury.

Learned Counsel for the petitioner submits that the petitioner is not named in the First Information Report. He submits that in course of investigation one Rohit Kumar was arrested, who disclosed the name of the petitioner. He also submits that no incriminating article has been recovered from the possession of this petitioner and co-accused Rohit Kumar has been granted regular bail by this Court.

Having regard to the submissions made on behalf of the parties and taking into consideration the fact that the petitioner has criminal antecedent and his name has transpired in course of investigation in the statement of the co-accused



Rohit Kumar made before the police and the matter is serious in nature, for which custodial interrogation of the petitioner may be required, I am not inclined to grant the petitioner privilege of anticipatory bail.

This application is, accordingly, dismissed.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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