

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12413 of 2019

Arising Out of PS. Case No.-156 Year-2018 Thana- MINAPUR District- Muzaffarpur

Nitish Kumar @ Golu Son of Sushil Singh Resident of Village - Athri, P.S.-
Runni Saidpur, District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.S. Jamil Akhtar

For the Opposite Party/s : Mr.Nawal Kishore Prasad

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 01-03-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending his arrest in connection with Meenapur P.S. case No.156 of 2018 registered under Sections 25(1-B)A, 26, 35 of the Arms Act and Sections 399, 401, 402, 414 of the Indian Penal Code, pending in the court of C.J.M., Muzaffarpur.

The prosecution case, in short is that the informant got an information that from Meenapur chowk five suspected persons on apache bikes were heading towards Muzaffarpur. On signal by the police, they had not stopped bikes. During checking, the police caught three persons and two persons taking advantage of darkness managed to escape. From the possession of apprehended persons, one country made pistol loaded with two cartridges and a knife were recovered. The



apprehended persons named the petitioner and one Aditya @ Himanshu.

It has been submitted on behalf of the petitioner that there is no allegation of tampering of witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. There is no recovery of arms from the possession of the petitioner. The petitioner has been made accused due to previous enmity. Except for confession of co-accused Gaurav Kumar, there is no other substantive evidence to suggest the implication of the petitioner in the present case.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R. and there is one more case pending against him.

Considering the aforesaid facts and circumstances, I am not inclined to grant anticipatory bail to the petitioner. The same is rejected.

If the petitioner surrenders before the court below and prays for regular bail, same shall be considered on its own merit without being prejudiced by this order.

Narendra/-

(Sudhir Singh, J)

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