

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14076 of 2019

Arising Out of PS. Case No.-708 Year-2018 Thana- AHYAPUR District- Muzaffarpur

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AJAY KUMAR @ AJAY SAHANI Son of Chandeshwar Sahani Resident of
Village - Chainpur, P.S.- Minapur, Distt.- Muzaffarpur.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Hari Kishore Thakur

For the Opposite Party/s : Mr. R.B.Roy 'Raman', APP

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 07-03-2019 Heard learned counsel for the parties.

This application for anticipatory bail arises out of Ahiyapur P.S. Case No. 708 of 2018 for the offence under Sections 365, 367/34, 302, 201 and 120(B) of the Indian Penal Code.

The petitioner was not named in the First Information Report and his involvement has surfaced on the basis of the confessional statement of the co-accused.

Learned counsel appearing on behalf of the petitioner has submitted that similarly circumstanced co-accused, namely, Rajnish Kumar and Ratan Kumar, have been granted anticipatory bail by this Court by order dated 21.02.2009 passed in Cr. Misc. No. 63536 of 2018.

I have perused the said order dated 21.02.2019, which



does not indicate that the anticipatory bail has been granted after noticing the fact that their names had transpired on the basis of confessional statement of the co-accused in course of investigation. It rather appears that considering the fact that they were named in the First Information Report merely on the basis of suspicion, this Court has granted them privilege of anticipatory bail.

Considering the gravity of the offence and the fact that the name of the petitioner has transpired on the basis of confessional statement of co-accused, since the petitioner's custodial interrogation may be required, I am not inclined to grant the petitioner privilege of anticipatory bail. Reference may be made in this regard to Supreme Court's decision in the case of *Jai Prakash Singh Vs. The State of Bihar and another*, reported in (2012) 4 SCC 379.

There is another reason why this anticipatory bail application deserves to be dismissed. Learned counsel for the petitioner is in custody of the entire case diary, which indicates that the same has been illegally obtained and thus the petitioner is interfering with the course of investigation.

This application is accordingly dismissed.

The petitioner is directed to surrender before the



Court below within a period of four weeks from today and seek regular bail, if so advised. If he does so, his application for regular bail shall be considered by the learned Court below on its own merit without being prejudiced by rejection of present application for grant of anticipatory bail.

(Chakradhari Sharan Singh, J)

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