

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26855 of 2019

Arising Out of PS. Case No.-5 Year-2018 Thana- BALIGAON District- Vaishali

MD. RABBANI Son of Late Ijrafil Resident of Village - Rajkhant, P.s.-
Tajpur, Distt.- Samastipur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Md. Soban Asghar
For the Opposite Party/s : Mr.Ram Bachan Singh

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 24-04-2019 Heard learned counsel for the parties.

This application for anticipatory bail arises out of Baligaon P.S. Case No. 05 of 2018 for the offence under Sections 395 of the Indian Penal Code.

On the basis of confessional statement of co-accused in course of investigation, the petitioner's name has surfaced as member of a gang involved in commission of the offence.

Learned counsel appearing on behalf of the petitioner has submitted that similarly circumstanced co-accused has been granted anticipatory bail.

Learned Additional Public Prosecutor has rightly pointed out that whereas the petitioner has been found to be involved in commission of the offence under Section 395 of the Indian Penal Code, the person, who has been granted anticipatory bail, is said to have been dealing with the looted



property. The case of the petitioner is clearly distinguishable.

In view of the above and looking at the seriousness of accusation against this petitioner, I am not inclined to grant him the privilege of anticipatory bail. This application is accordingly rejected.

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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