

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29867 of 2019

Arising Out of PS. Case No.-390 Year-2017 Thana- TAJPUR District- Samastipur

KANHAIYA RAY Son of Late Baiju Roy Resident of Village- Chakmir
Banki, P.S.- Baligaon, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pramod Kumar Singh

For the Opposite Party/s : Mr.Parmanand Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 22-08-2019 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Tajpur (Halai O.P.) Police Station Case No. 390 of 2017, disclosing offences under Sections 324/326/332/333/353/307/302/34 of the Indian Penal Code, Section 27 of the Arms Act and Sections 30 (a), 38(i), 45 and 47 of the Bihar Prohibition and Excise Act, 2016.

The allegation, as per the First Information Report, is that while the police party was engaged in checking of the vehicles, a Honda City car was coming from the side of Vaishali district and when the informant stopped the said Honda City car for checking, the accused persons, sitting in the car, opened fire on the police party and fled away. It has further been stated that



due to the firing made by the accused persons, one constable, Anil Kumar, sustained bullet injury and succumbed to the injury in the hospital. The name of this petitioner has been disclosed by arrested co-accused Vimal Kumar @ Radhe Ray in course of investigation.

Learned Counsel for the petitioner submits that the petitioner is not named in the First Information Report and his name has transpired on the basis of the confessional statement made by arrested co-accused. He further submits that no incriminating material has been recovered from the possession of the petitioner and this Court has granted bail to the similarly situated co-accused persons in Criminal Misc Nos. 49615 of 2018 and 66577 of 2018.

On the other hand, learned Additional Public Prosecutor vehemently opposes the prayer for anticipatory bail.

After having heard learned Counsel for the parties and taking into consideration the fact that the petitioner has got four criminal antecedents, as mentioned by the petitioner in the supplementary affidavit inasmuch as in the main application, the petitioner has disclosed, in paragraph 3, that he has got no criminal antecedent, I am not inclined to grant the petitioner privilege of anticipatory bail. Accordingly, this application is



dismissed.

Prabhakar Anand/-

(Anil Kumar Sinha, J.)

U	√	T	√
---	---	---	---

