

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30142 of 2019

Arising Out of PS. Case No.-774 Year-2018 Thana- FATUA District- Patna

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NIRAJ @ NIRAJ KUMAR S/o Binod Sahani R/o Mohalla- Mallah Toli,
Kumar Patrol Pump, P.S.- Didarganj, District- Patna

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rajesh Kumar Chaudhary
For the Opposite Party/s : Mr.Sharda Kumari

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 16-09-2019 This application, for grant of anticipatory bail,

arises out of Fatuha P.S. Case No. 774/18, disclosing offences

under Sections 394, 420, 467, 468, 471 and 120(B) of the Indian

Penal Code.

Prosecution case is that the informant, who is driver
of Truck No. 2NL-01-AA-8641 that he was going with the truck
loaded with potato chiops and when he reached near the Bikhua
More at 12.30 hours in the night, one pick-up van overtook his
truck and on the point of pistol, miscreants sitting in the pick-up
van stopped the truck of the informant and assaulted the
informant and, thereafter, they took away the purse, ATM Card,
Driving license and Rs. Ten Thousand from the informant and
Rs. Two Thousand from his staff. It is also alleged that accused
persons were taking the name of each other, in which, he heard



the name of petitioner Niraj

Submission of learned counsel for the petitioner is that he has no criminal antecedent and has falsely been made accused in this case and nothing has been recovered either from the house of the petitioner or at his instance.

Learned counsel for the State opposed the prayer for anticipatory bail and submitted that allegation is serious and in these cases custodial interrogation of accused is requires, as such, the petitioner does not deserve the privilege of anticipatory bail.

Having heard both sides, considering the facts and circumstances, I am not inclined to grant the privilege of anticipatory bail to the petitioner rather petitioner may surrender before the court below and make prayer for regular bail and if any such application is filed, the court below will dispose of the same on the merit of the case, without being prejudiced by this order.

This application is, accordingly, dismissed.

(Vinod Kumar Sinha, J)

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