

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56669 of 2019

Arising Out of PS. Case No.-354 Year-2018 Thana- DESARI District- Vaishali

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NITESH KUMAR @ NITISH KUMAR Son of Upendra Singh Resident of
Village - Mathurapur, P.S.- Jandaha, Dist.- Vaishali.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Vijay Kumar

For the Opposite Party/s : Mr.Bharat Bhushan

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 20-11-2019 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner is seeking anticipatory bail in connection with Desari P.S. Case No. 354 of 2018 registered under Sections 399, 402, 414/34 of the Indian Penal Code and Sections 25(1-b)a, 26, 35 of the Arms Act and Section 30(a) of Bihar Prohibition and Excise Act, 2018, pending in the court of learned Additional Sessions Judge-2 – cum – Excise Court, Vaishali at Hajipur.

Learned counsel for the petitioner submit that petitioner has been falsely implicated in this case on account of village politics and the motorcycle so belonged to him was not recovered by police from the miscreants. Learned counsel submits that name of the petitioner has been transpired in the



confessional statement of co-accused Gautam Kumar who has stated that the seized motorcycle belongs to the petitioner.

Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner, however he submits that when the raid was conducted by the police in the orchard three persons along with two motorcycles were apprehended. Learned counsel submits that that one of the motorcycles belonged to the petitioner and from the possession of the apprehended accused looted money from the petrol pump were recovered together with illicit liquor and it is the apprehended accused who disclosed the name of this petitioner saying that this petitioner is their friend and they were participated in commission of vehicle snatching, road robbery and petrol pump robbery.

Considering the facts and circumstances of the case wherein it is alleged that when the raid was conducted by the police in the orchard three persons along with two motorcycles were apprehended. It was found that one of the motorcycles belonged to the petitioner and from the possession of the apprehended accused looted money from the petrol pump were recovered together with illicit liquor as also that it is the apprehended accused who disclosed the name of this petitioner



saying that this petitioner is their friend and they had brought the motorcycle of this petitioner which was used in the alleged occurrence and also participated in vehicle snatching, road robbery and petrol pump robbery, this court is not inclined to grant privilege of anticipatory bail to the petitioner.

Prayer for anticipatory bail of the petitioner is refused.

In case, the petitioner surrenders and prays for regular bail before the court below within a period of four weeks from today, his prayer for regular bail shall be considered by the court below on it's own merit without being prejudiced by the order of this Court.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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