

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58189 of 2019

Arising Out of PS. Case No.-93 Year-2014 Thana- BANGARA District- Samastipur

1. MD. AFROZ Son of Md. Kalam Resident of Village - Madhopur Susta, P.S.- Maniyari, Dist.- Muzaffarpur
2. Deepak Baitha @ Deepak Kumar Son of Raghunath Baitha Resident of Village - Madhopur Bangar, P.S.- Sadar, Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Harun Quareshi

For the Opposite Party/s : Mr.Jagdhar Prasad

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 16-09-2019

This application, for grant of anticipatory bail, arises out of Bangara P.S. Case No. 93 of 2014, disclosing offences under Sections 395, 412, 120(B) of the Indian Penal Code.

Prosecution case is that while the informant along with two others were going to Siliguri by truck, in which, some goods were loaded, five accused persons came on Bolero armed with pistol and entered into the truck. One of the accused started driving the truck and the accused forcibly made the informant and his associates sit in the Bolero vehicle, thereafter, they gave some injection to the informant and his associates and threw them on a deserted place and took away the truck.



Submission of learned counsel for the petitioner is that he has falsely been implicated in this case only on the basis of confessional statement of co-accused and except that there is nothing against the petitioner.

Learned counsel for the State opposed the prayer for bail and submitted that the name of petitioner transpired on confessional statement of co-accused and apart from that he is accused in one more case and further in such type of cases, custodial interrogation of accused is required, 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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