

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67605 of 2019**

Arising Out of PS. Case No.-2 Year-2019 Thana- MALI District- Aurangabad

SHIV SAGAR RAY Son of Late Vishani Ray Resident of Village- Ram
Datali, P.S.- Shahpur, District- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Mishra

For the Opposite Party/s : Mr.Dilip Kumar No. 1

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER**

2 05-11-2019 Heard both sides.

The petitioner apprehends his arrest in Mali P.S. Case No.2 of 2019 registered under Sections 399, 402 and 414 of the Indian Penal Code and Section 25(1-b)a, 26 and 35 of the Arms Act.

The informant got information that some criminals are moving in a white Scorpio and on such, intercepted the vehicle. The informant arrested six persons and on search, arms and ammunition besides ornaments and cash were recovered from the possession of the apprehended accused.

The learned counsel for the petitioner submits that petitioner is not named in the F.I.R. The name of the petitioner figured in the case on the basis of the disclosure made by the apprehended accused that the owner of the vehicle is the



petitioner. The accused persons hired the vehicle of the petitioner but petitioner had no knowledge that the accused persons were going to commit any cognizable offence and they were armed with firearms. The petitioner filed petition before the court below for release of the vehicle and the police also gave no objection with regard to release of the vehicle, thus, petitioner deserves anticipatory bail but it appears that petitioner has got criminal antecedent and he is accused in two cases of Shahpur (Karnamepur) P.S. Case No.217 of 2017 and Shahpur (Karnamepur) P.S. Case No.10 of 2018. Both the cases are registered under Section 302 and other Sections of Indian Penal Code.

Taking into consideration the fact that petitioner has got criminal antecedents and he is accused in two murder cases, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J)

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