

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71830 of 2019

Arising Out of PS. Case No.-270 Year-2018 Thana- CHANDAUTI District- Gaya

Rishi Kumar, Son of Awadhesh Prasad, Resident of Mohalla- Delha
Kalyanpur, Police Station- Delha, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manish Kumar No2

For the Opposite Party/s : Mr.Rina Sinha

**CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA**

ORAL ORDER

2 18-12-2019 Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

Petitioner apprehends his arrest in connection with
Chandauti P.S. Case No. 270 of 2018 registered for the offences
punishable under Sections 395, 397 of the Indian Penal Code.

No doubt petitioner is not present in the first
information report and the name of the petitioner has come in
confessional statement of co-accused and one co-accused has
already been extended the privilege of anticipatory bail by a
coordinate Bench of this Court, but I am not inclined to extend
the privilege of anticipatory bail to petitioner because if
petitioner is granted the privilege of anticipatory bail, the
prosecution shall be debarred from putting the petitioner on test
identification parade and therefore, in the aforesaid
circumstances, the prayer for anticipatory bail of the petitioner
stands rejected.

However, petitioner is directed to surrender before the



court below within six weeks from today and if he does so and makes prayer for regular bail, the concerned court shall consider the regular bail application of the petitioner on its own merit without being prejudiced by this rejection order.

(Hemant Kumar Srivastava, J)

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