

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9663 of 2020

Arising Out of PS. Case No.-254 Year-2019 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

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JITENDRA KUMAR @ NANHE Son of Nand Kishore Singh Resident of
Village - Baghi Ward No. 5, P.S.- Tajpur, District - Samastipur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Brisketu Sharan Pandey
Ms. Aprajita
For the Opposite Party/s : Mr. Sanjay Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 04-09-2020 This case has been heard through video-conferencing.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in Muffasil
P.S. Case No.254 of 2019 registered for the offences punishable
under Sections 120 B and 412 of the Indian Penal Code and
Section 25 (1-b)a, 26 & 35 of the Arms Act, pending in the
Court of learned A.C.J.M.-V, Samastipur.

The informant apprehended two miscreants,
namely, Rahul Jha and Ajit Rai @ Chhotu with illegal arms at
village Mahua. During investigation Ajit Kumar @ Chhotu has
confessed his guilt in the occurrence of loot which had taken
place on 16.05.2019 at NH-28 near Fatehpur village. Ajit has



also disclosed in his confessional statement that the arms which had been used in the said occurrence were purchased by him and the petitioner which were handed over to Kamlesh Kumar Singh to conceal it.

It is submitted by learned counsel for the petitioner that no such occurrence as alleged ever took place. He has been falsely implicated in this case. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. No incriminating article has been recovered from the conscious physical possession of the petitioner. Petitioner has been made scapegoat in this case only on the confessional statement of the co-accused.

Per contra, learned APP for the State vehemently opposing the bail petition submitted that the arms used in the commission of loot of gold merchants was purchased by this petitioner and he actively participated in the alleged occurrence. As such, he does not deserve anticipatory bail.

Considering the facts and circumstances of case and particularly considering the criminal antecedents, I am not inclined to enlarge the petitioner on anticipatory bail. The prayer for anticipatory bail of the petitioner is hereby rejected. However, the petitioner is directed to surrender before the



learned Court below within six weeks from today and seek regular bail and the learned Court below would pass order in accordance with law without being prejudiced by this order.

(Anjani Kumar Sharan, J)

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