

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.22400 of 2020**

Arising Out of PS. Case No.-157 Year-2019 Thana- KASIMBAZAR District- Munger

MD. IRPHAN @ MD. KAJU @ IRFAN Son of Md. Rafik @ Biya @ Md. Shafik Resident of Village - Mansari Talle, P.S.- Kasimbazar, District - Munger.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Rajesh Kumar

For the Opposite Party/s : Mrs. Anita Kumari Singh

**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH**

ORAL ORDER

2      02-11-2020

Heard learned counsel for the parties.

This application for anticipatory bail arises out of Kasimbazar P.S. Case No. 157 of 2019, disclosing the offence under Sections 399/402 of the Indian Penal Code and Sections 25(1-b)a/26/35 of the Arms Act.

Allegedly, on the basis of secret information that criminals had assembled to commit serious offence, a raid was conducted at the intimated place. Allegedly, on seeing the police party, the miscreants started fleeing away. Two of them were apprehended and on interrogation, they disclosed the name of the petitioner who had managed to escape. From the persons who were apprehended, the police recovered a country-made pistol. The petitioner is accused in Kasimbazar P.S. Case No. 155 of 2019 also, registered for the offence punishable under



Section 394 of the Indian Penal Code.

Learned counsel for the petitioner has argued that the petitioner has been allowed anticipatory bail by the court below in the other case i.e. Kasimbazar P.S. Case No. 155 of 2019. He has also argued that there is no incriminating material other than confessional statement of the co-accused to put the petitioner in the array of accused.

Be that as it may, considering the nature of accusation and the fact that the petitioner has criminal antecedent, I am not inclined to grant him privilege of anticipatory bail.

This application is accordingly rejected.

However, the petitioner is directed to surrender before the Court below within four weeks from today and seek regular bail, if so advised. If he does so, his application for regular bail shall be considered on its own merit without being prejudiced by rejection of the present application for grant of anticipatory bail by this Court.

It is directed that defects in the application pointed out by the Registry must be removed within two months from today.

**(Chakradhari Sharan Singh, J)**

Rajesh/-

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