

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 78090 of 2019

Arising Out of PS Case No.-392 Year-2019 Thana- NAUBATPUR District- Patna

Deepak Kumar (Male) Aged about 23 years, Son of Ramdeep Ray, Resident of Village-Tillu Tola, Police Station-Naubatpur, District-Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sudish Kumar, Advocate
For the State	:	Mr. Nand Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL JUDGMENT

Date : 25-08-2020

The matter has been heard *via* video conferencing due to circumstances prevailing on account of the COVID-19 pandemic.

2. Heard Mr. Sudish Kumar, learned counsel for the petitioner and Mr. Nand Kishore Prasad, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

3. The petitioner apprehends arrest in connection with Naubatpur PS Case No. 392 of 2019 dated 16.06.2019, instituted under Sections 394, 307 of the Indian Penal Code and 27 of the Arms Act.

4. The allegation against the petitioner is that he along with two others had fired indiscriminately and assaulted the driver



and another person of a truck and had taken away two mobile phones and Rs. 10,000/-.

5. Learned counsel for the petitioner submitted that he was not named in the FIR and only on the confessional statement of co-accused Gaurav Kumar, he has been made an accused. It was further submitted that nothing has been recovered from his possession.

6. Learned APP, from the case diary, submitted that co-accused Gaurav Kumar, has clearly stated about the role of the petitioner in the crime. It was further submitted that the petitioner was evading arrest due to which process under Sections 82 and 83 of the Code of Criminal Procedure, 1973 have been issued against him and chargesheet has also been submitted. Learned counsel submitted that there cannot be any question of recovery as the petitioner had not presented himself either before the Court or the police and, thus, his statement has also not been taken. Learned counsel submitted that the petitioner has criminal antecedent and accused in five cases under serious sections of the Indian Penal Code right from the year 2009 onwards.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is not inclined to grant anticipatory bail to the petitioner.



8. Accordingly, the application stands dismissed.

(Ahsanuddin Amanullah, J.)

P. Kumar/Anand Kr.

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