

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86991 of 2019**

Arising Out of PS. Case No.-128 Year-2019 Thana- SUPAUL District- Supaul

Rakesh Kumar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kamal Kishore Singh

For the Opposite Party/s : Mr.Nityanand

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

ORAL ORDER

2 14-02-2020 Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

Petitioner apprehends his arrest in connection with
Supaul P.S. Case No. 128 of 2019 registered for the offences
punishable under Sections 394 of the Indian Penal Code.

Although petitioner is not named in the first
information report but in course of investigation, the statement
of injured was recorded under section 164 of the Cr.P.C in
which injured named the petitioner as one of the participants of
the alleged crime.

Learned counsel for the petitioner submits that co-
accused Himanshu Kumar, against whom there is allegation of
firing, has already been granted of privilege of regular bail by a
co-ordiante Bench of this Court vide order dated 05.09.2019



passed in Cr. Misc. No. 55245 of 2019.

Regard being had to the facts and circumstances of the case as well as submission of the parties, I am not inclined to release the petitioner on anticipatory bail and, accordingly, his prayer for bail in connection with Supaul P.S.Case No. 128 of 2019, pending in the court of learned Chief Judicial Magistrate, Supaul 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, particularly keeping in mind, that having more serious allegation co-accused Himanshu Kumar has already been granted privilege of bail by a co-ordinate Bench of this Court.

N.K/-

(Hemant Kumar Srivastava, J)

U		T	
---	--	---	--

