

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32571 of 2020

Arising Out of PS. Case No.-06 Year-2020 Thana- DUMRA District- Sitamarhi

Ashish Kumar, Son of Ram Narayan Mahato, resident of vill - Jamua Tilangahi, P.S. - Sonbarsa District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar, Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Surendra Kishore Thakur, Advocate
		Mr. Alok Kumar Jha, Advocate
For the Opposite Party/s :		Mr. Dr. Kumar Uday Pratap, APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 26-03-2021 Heard Mr. Alok Kumar Jha, learned counsel for the petitioner and Mr. Dr. Kumar Uday Pratap, learned APP for the State.

The petitioner seeks bail in anticipation of his arrest in connection with Dumra P.S. Case No. 6 of 2020 dated 08.01.2020 instituted for the offences under Sections 302, 201 and 34 of the Indian Penal Code.

Learned counsel for the petitioner that he has not been named in the FIR and he is wrongly being prosecuted in this case on the presumption that even though his registered name is Ashish Kumar, his alias name is Akash Kumar, which name finds mention in the FIR.

The accusation in the FIR is that the deceased was killed at the instance of his classmates including the petitioner who has been referred to as



Akash Kumar. During the course of investigation it came to light that the petitioner/ Ashish Kumar has an alias name of Akash Kumar. At several places in the investigation papers, the father's name of aforesaid Akash Kumar is stated to be Ram Narayan Mahto who is incidentally the father of petitioner Ashish Kumar.

Learned counsel for the petitioner could not place anything on record which could lend credence to his submission that the petitioner does not have an alias name and that he is being prosecuted in this case only on the presumption of there being an alias name of the petitioner.

Considering this aspect of the matter, I am not inclined to grant anticipatory bail to the petitioner.

Accordingly, prayer for anticipatory bail is rejected.

In case the petitioner surrenders before the court below and seeks bail that application shall be considered on its own merits without being prejudiced by the fact that the present petition has not been entertained.

(Ashutosh Kumar, J)

krishna/-

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

