

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20404 of 2021**

Arising Out of PS. Case No.-1 Year-2020 Thana- KAHALGAON District- Bhagalpur

Sekh Rayeesh @ Md Rahish Son Of Sekh Kallu R/O Village- Khanpur, P.S.-
Pirpainty (WRONGLY Written As Shivnarayanpur In The Impugned Order),
District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Jha

For the Opposite Party/s : Mr. Md. Fahimuddin, APP

**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER**

2 17-01-2022 Due to the third wave of COVID-19 Pandemic, the
matter is being taken up by way of Virtual Court proceeding.

The matter has been listed under the heading ‘For Orders’
under the orders of Hon’ble the Chief Justice.

Heard learned counsel for the petitioner and learned APP
for the State through virtual mode.

Learned counsel for the petitioner is directed to remove
the defects, as pointed out by the Office, within a period of four
weeks after restoration of normalcy.

The petitioner is apprehending his arrest in Kahalgaon
(Shivnarayanpur) P.S. Case No. 01/2020 registered under Section
392 of the Indian Penal Code and 27 of the Arms Act..

The prosecution allegation, in short, is that the unknown
accused persons, variously armed looted DIGT track machine and



fled away.

It has been submitted on behalf of the petitioner that there is no allegation of tampering of witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. The petitioner is not named in the F.I.R. The name of the petitioner has transpired on the basis of confessional statement of co-accused. There is no recovery of any incriminating articles from the possession of the petitioner.

On behalf of the State, it is submitted that though the petitioner is not named in the F.I.R but in course of investigation, in paragraph 24 of the Case Diary, an independent eye witness has taken the name of the petitioner alleging his participation in the robbery. The said fact is evident from the order of the Sessions Court also.

Considering the same, I am not inclined to grant anticipatory bail to the petitioner in connection with Kahalgaon (Shivnarayanpur) P.S. Case No. 01/2020. Prayer is rejected. However, if the petitioner surrenders in the Court below and prays for bail, the same shall be considered on its own merit without being prejudiced by this order.

(Sudhir Singh, J)

Pankaj/-

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

