

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23135 of 2022**

Arising Out of PS. Case No.-117 Year-2020 Thana- MAIRWAN District- Siwan

PRINCE PANDEY @ PRINCE KUMAR @ PRINCE KUMAR PANDEY
S/o Prabhakar Pandey R/o village- Kavita, P.S.- Mairwa, District- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Tiwary

For the Opposite Party/s : Mr.APP

**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER**

3 15-11-2022 Heard learned counsel for the petitioner and learned
APP for the State.

The instant application for anticipatory bail has been filed by the petitioner apprehending his arrest in connection with Parbatta P.S. Case no. 128 of 2019 instituted for the offence under Sections 147, 148, 149, 323, 386, 387, 302, 120(B) of the Indian Penal Code and Section 27 of the Arms Act.

As per allegation in the FIR, police got secret information regarding unlawful assembly, they proceeded towards place of occurrence and on seeing them, they started to fleeing away. On chase five of them were apprehended who disclosed the name of the petitioner, who managed to escape, as one of his associates. On search, one loaded country made pistol and one splendor motorcycle were recovered from possession of



co-accused Khurshid.

Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has committed no offence. He has got no criminal antecedent. The name of the petitioner has been disclosed in this case by the apprehended co-accused before the police, which has got no evidentiary value in the eye of law. Neither the petitioner was arrested nor any incriminating article has been recovered from his possession.

Learned APP appearing for the State has opposed the prayer of Bail and submitted that there are five criminal antecedents against the petitioner.

Having heard learned counsel for the parties and taking into consideration that petitioner is habitual offender, I am not inclined to grant bail to the petitioner and, as such, his prayer for bail is rejected.

The application stands disposed off.

However, if the petitioner surrenders and prays for regular bail, the same may be considered by the court below keeping in view that petitioner was not arrested on spot.

(Sunil Kumar Panwar, J)

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