

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57677 of 2021

Arising Out of PS. Case No.-99 Year-2006 Thana- KUDRA District- Kaimur (Bhabua)

SRI RAM KUSHWAH @ SRI RAM SINGH Son of Vikrama Singh, Resident
of Village- Kharhariya, P.S.- Sonhan, District- Kaimur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shyam Bihari Singh

For the Opposite Party/s : Mr. Braj Kishore Pd. (App)

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

3 08-09-2022 The learned counsel for the petitioner is directed to
remove all the defects pointed out by the office within one
month.

Heard learned counsel for the petitioner as well as Mr.
J.N. Thakur, the learned Additional Public Prosecutor for the
State.

The petitioner apprehends his arrest in connection
with S.T. No. 77 of 2014, arising out of Kudra P.S. Case No. 99
of 2006 registered for offence punishable under section 395 of
the Indian Penal Code.

As per allegation, the informant, her mother-in-law and
Devar were sleeping on the roof at mid-night about 1:00 AM.
They awoke and saw five miscreants equipped with gun. One of



the miscreants snatched nose pin of the informant. When her *Devar*, Bipin Singh threw stone chips on the accused persons, they fired shot, which hit at the stomach of Bipin Singh, *Devar* of the informant. The informant also saw fourteen-fifteen miscreants equipped with gun in the courtyard of her house. They committed gruesome *dacoity* in her house. The articles of *dacoity* has been mentioned in the FIR.

The learned counsel for the petitioner has submitted that the FIR has been lodged against unknown persons. The other accused persons were facing trial and the name of the petitioner was arrayed on the basis of evidences emerged during course of trial and he was summoned to face trial under section 319 of the Code of the Criminal Procedure.

It appears that when the trial is going on, the witnesses identified the present petitioner in the dock. It has been mentioned in the impugned order that prosecution witness nos. 1 to 3 have identified the present petitioner as well as co-accused Satyendra Choubey, Sanju Tiwary and Radhe Shyam Tiwary.

As evident from the impugned order itself that the petitioner was identified by the witnesses when he was present in the dock, in my view, it is not a fit case for anticipatory bail. Accordingly, it is rejected.



Office shall ensure that all defects are removed by the petitioner within the stipulated time mentioned hereinabove, failing which, the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

Mahesh/-

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

