

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.242 of 2022

Arising Out of PS. Case No.-28 Year-2020 Thana- MOTIPUR District- Muzaffarpur

SONU KUMAR @ SANJEEV KUMAR SON OF NANDU PANDIT,
RESIDENT OF VILLAGE- OJHA TOLA, SADA DAMBAR, POLICE
STATION- MOTIPUR, DISTRICT MUZAFFARPUR.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Prasad

For the Opposite Party/s : Mr.Brajendra Nath Pandey

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

ORAL ORDER

2 05-08-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the office within one

month.

Heard the learned counsel for the petitioner as well as

Mr. Brajendra Nath Pandey, the learned Additional Public

Prosecutor for the State.

The petitioner apprehends his arrest in connection with

Motipur P.S. Case No. 28 of 2020 registered for offence

punishable under sections 399, 402 of the Indian Penal Code

and sections 25(1-b)a, 26/35 of the Arms Act.

As per allegation, the police got confidential

information that some criminals were assembled to commit

some serious offence. On raid, four miscreants began to flee



away, but one of them was apprehended after a little chase. A country-made pistol and a cartridge were recovered from his possession and he disclosed the name of the present petitioner as well as co-accused Rahul Rai and Kamlesh Sao, who became successful in fleeing away.

The learned counsel for the petitioners has submitted that the name of the petitioner was figured in concessional statement of co-accused and on similar footing, co-accused Kamlesh Sah and Rahul Rai were granted anticipatory bail by the coordinate Benches of this Court in Cr. Misc. No. 23623 of 2020 and Cr. Misc. No. 18570 of 2021.

From perusal of those orders it appears that co-accused Kamlesh Sah and Rahul Rai, who were granted anticipatory bail had no criminal antecedent, whereas the present petitioner has two criminal antecedents of similar nature of this case. As such, in my view, the petitioner does not deserve the privileges for anticipatory bail. Accordingly, his prayer for anticipatory bail is rejected.

If the petitioner surrenders before the court below and makes a prayer for regular bail that shall be disposed of on its own merit without being prejudiced by this order.

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)

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