

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23837 of 2023

Arising Out of PS. Case No.-161 Year-2021 Thana- GOPALPUR District- West Champaran

ASHOK KUMAR SON OF SRI LALJI PADIT RESIDENT OF VILLAGE
BASANTPUR, PS- SATHI, DISTT- WEST CHAMPARAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Ms. Rashmi Jha
		Mr.Abhishek Kumar
For the Opposite Party/s	:	Mr.Md. Iftekhar Mahmood

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 07-07-2023 Heard the parties.

Petitioner apprehends his arrest in connection with Gopalpur PS Case No. 161 of 2021 dated: 12.11.2021 registered for the offence under Section 399, 402, 414 of the IPC and Section 25(1-B)a / 26 / 35 of the Arms Act.

As per the First Information Report on the basis of secret information that five miscreants, armed with weapons, had assembled at Ghogha Chowk and were planning to commit crime, the Police arrived at the place of occurrence and saw that five miscreants with two Apache motorcycle, without number plate, were sitting under a tree and upon seeing the Police party they started fleeing away, they were chased, but they managed to escape. However, one miscreant was apprehended by the Police and upon search one country made pistol with live



cartridges was recovered from his possession. The arrested person disclosed the name of the other accused persons, who managed to escape including the petitioner.

Learned counsel for the petitioner submits that petitioner has not committed any offence in the manner alleged and he has been implicated in this case on the basis of statement made by the arrested co-accused. Accordingly, submission is that petitioner has been made accused in the case on the basis of confessional statement of the co-accused.

I have heard learned counsel for the parties and have perused the F.I.R. as well as the impugned order. The allegation is serious in nature and the learned Sessions Judge, West Champaran, Bettiah has arrived at the conclusion that it seems that petitioner and others are members of a gang of thieves.

In my view the custodial interrogation of the petitioner may be necessary in the facts of the case. Accordingly, I am not inclined to grant anticipatory bail to the petitioner.

The petition stands rejected.

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(Anil Kumar Sinha, J)

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