

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35071 of 2023

Arising Out of PS. Case No.-221 Year-2022 Thana- SISWAN District- Siwan

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Raju Kumar @ Chainji @ Chainji @ Chhotu Son of Bachan Rajbhar @
Bachan Ray Resident of Village- Harihans, Police Station - Hussainganj,
District- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Tiwary, Advocate
For the Opposite Party/s : Mr. Kumar Veerendra Narayan, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 20-07-2023 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 302, 307
and 120(B)/34 of the Indian Penal Code and Sections 27 of the
Arms Act but late on Sections 25(1-B)a, 26 and 35 of the Arms
Act has been added.

3. Learned counsel for the petitioner submits that
petitioner is a person with clean antecedent.

4. The informant alleges that on 06.09.2022, he
received secret information that Raish Khan through his
henchmen Birendra Ram, Md. Aftab, Abhay Yadav along with
4-5 unknown criminals are involved in extorting money from
the vehicles carrying animals on the strength of arms.



Accordingly, he reached the place of occurrence along with the police force and Chawkidar and saw 7-8 accused persons who started fleeing, accordingly, they were chased when the informant heard the sound of firing and thus went in the direction of firing and saw the constable Balmiki Kumar in an injured condition who disclosed that the accused who were fleeing shot him, further he was brought to the hospital where he was declared dead.

5. Learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case, he is not named in the FIR and his name transpired in the confessional statement of Md. Aftab in police custody which does not have any evidentiary value in the eye of law.

6. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner and submits that a policeman was killed. It is further submitted that though the petitioner is not named in the FIR but then Md. Aftab is one of the named accused who has disclosed the name of the petitioner. It is next submitted that it was only after the arrest of Md. Aftab that he confessed about the participation of this petitioner also in the crime.

7. Considering the submissions made by the learned



A.P.P., the Court is not inclined to extend the privilege of anticipatory bail to the petitioner in connection with Siswan P.S. Case No. 221 of 2022 pending in the Court of learned Judicial Magistrate- 1st Class, Siwan/successor Court.

8. Accordingly, the prayer for anticipatory bail of the petitioner is rejected.

(Satyavrat Verma, J)

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