

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36843 of 2023

Arising Out of PS. Case No.-974 Year-2022 Thana- ARA NAGAR District- Bhojpur

Abhishek @ Abhishek Paswan Son Of Yamuna Ram Resident Of Village-
Singahi Vishwakarma Mandir Ara, Ps-Ara Nagar, Distt- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance:

For the Petitioner/s : Mr. Prabhat Kumar Singh, Advocate

For the Opposite Party/s : Mr. Ramesh Chandra, APP

CORAM: HONOURABLE MR. JUSTICE VIPUL M. PANCHOLI
ORAL ORDER

2 31-07-2023 This application is filed under Section 438 of Code of Criminal Procedure, 1973 for enlarging the applicant on anticipatory bail in connection with Ara Nagar P.S. Case No. 974 of 2022, registered for the offence punishable under Section 392 of the Indian Penal Code.

2. Heard Mr. Prabhat Kumar Singh, the learned advocate for the applicant and Mr. Ramesh Chandra, the learned APP for respondent-State.

3. Learned advocate for the applicant would mainly submit that applicant is not named in the FIR and he has been implicated on the basis of statement of the co-accused. It is further submitted that there is no recovery from the applicant and though there is another FIR registered against him under the provisions of the Arms Act, he has been granted bail in

connection with the said FIR.

4. Learned counsel for the applicant, therefore, urges that the applicant be enlarged on anticipatory bail.

5. On the other hand, learned APP has opposed this application and mainly submitted that serious allegations for commission of the offence punishable under Section 392 of the IPC are levelled against the applicant and it is a case of robbery. No names of applicant or other co-accused have been stated in the FIR, however, during the course of investigation on the basis of statement of the villagers, the present applicant has been implicated and therefore in the facts of the present case, custodial interrogation of the applicant is required.

6. Learned APP therefore urges that this application may not be entertained.

7. Having heard the learned advocates appearing for the parties and having gone through the materials placed on record, it would emerge that though, applicant is not named in the FIR as per the case of the prosecution he has been implicated on the basis of the statement given by the villagers during course of investigation and serious allegations with regard to robbery of Rs. 35,000/- (Rupees Thirty-five Thousand) from the informant are levelled and therefore, in the facts of the

present case, custodial interrogation of the applicant is required. Further, it is not in dispute that another FIR under the provisions of the Arms Act has been registered against the applicant, thus, looking to the overall facts and circumstances of the present case, I am not inclined to exercise the discretion in favour of the present applicant.

8. This application is accordingly dismissed.

(Vipul M. Pancholi, J)

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