

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.36544 of 2023**

Arising Out of PS. Case No.-150 Year-2021 Thana- TURKAULIYA District- East  
Champaran

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Ravi Kumar @ Ravi Bhusan @ Ravi Bhusan Kumar S/o Harendra Ram R/o  
Vill. Pakariya, PS. Bairganiya, Dist. Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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**Appearance :**

|                    |   |                             |
|--------------------|---|-----------------------------|
| For the Petitioner | : | Mr. Dilip Tandon, Advocate  |
| For the State      | : | Mr. Mukesh Kumar Singh, APP |

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

2      02-08-2023                      This application is filed under Section 438 of Code of Criminal Procedure, 1973 for enlarging the applicant on anticipatory bail in connection with Turkauliya (Banjariya) P.S. Case No.150 of 2021, registered for the offences punishable under Sections 399, 402, 414 and 34 of the Indian Penal Code read with Sections 25(1-B)a, 26, 35 of the Arms Act.

2. Heard Mr. Dilip Tandon, learned advocate for the applicant and Mr. Mukesh Kumar Singh, learned APP for respondent-State.

3. Learned advocate for the applicant has referred the allegations levelled against the concerned accused persons in the FIR in question. It is submitted that though applicant is named in the FIR, he has been implicated on the basis of one of the co-accused, namely, Deepak Kumar, Son of Ram Pukar Sah. It is



further submitted that after recording the statement of the said accused, the concerned investigating agency sent the case for further procedure against only three accused, namely, Ajay Kumar, Deepak Kumar, Son of Dukha Mahto and Deepak Kumar, Son of Ram Pukar Sah.

4. It is further submitted by learned counsel appearing for the applicant that applicant has falsely been implicated by the co-accused, Deepak Kumar as the applicant is owner of CSP shop and the said co-accused was working as staff in the said shop since long. However, certain allegations are levelled against the said co-accused with regard to misappropriation of the money of the applicant and, therefore, with *mala fide* intention, the said co-accused has given the name of the applicant. Learned counsel, therefore, urged that the case of the applicant be considered. It is also submitted that there is no antecedent reported against the applicant and, therefore, this Court may exercise the discretion in favour of the applicant.

5. On the other hand, learned APP for the respondent-State has opposed this application and contended that applicant is specifically named in the FIR as accused no.4. It is also submitted that statement of the co-accused can be considered for the purpose of investigation. It is also submitted that the



Sessions Court has after verification of the case diary passed the impugned order whereby the application filed by the applicant has been dismissed. Learned APP, therefore, urged that this application may not be entertained.

6. I have perused the materials placed on records and the allegations levelled against the applicant and the other accused. It is true that the applicant was not present when the raid was carried out by the concerned police officer. At the time of raid, three other co-accused, who are named as accused nos.1, 2 and 3 in the FIR in question, have been apprehended from the spot and on the basis of the statement of co-accused Deepak Kumar, Son of Ram Pukar Sah, the applicant is shown as accused no.4 in the FIR in question. It is pertinent to note that till today the investigation is going on against the present applicant and the FIR was lodged in February, 2021. The applicant was aware about the fact that the FIR is registered against him and, therefore, he preferred application under Section 438 Cr.P.C. before the Sessions Court. This Court has perused the order passed by the learned Sessions Court from which it is revealed that the application submitted by the applicant came to be dismissed on 26.08.2021 and thereafter the applicant is not available for the purpose of investigation. It is



further revealed that the present application has been filed before this Court only in May, 2023.

7. Thus, looking to the conduct of the applicant also, this Court is not inclined to consider the request made by the applicant. It is further required to be noted that in the cases like the present one, custodial interrogation is required. Thus, looking to the over all facts and circumstances of the present case, I am not inclined to entertain this application.

8. Accordingly, this application is dismissed.

**(Vipul M. Pancholi, J.)**

Sanjay/-

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