

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59793 of 2023

Arising Out of PS. Case No.-63 Year-2023 Thana- PIPRAKOTHI District- East Champaran

RAHUL SINGH @ ABHISHEK KUMAR S/O BACHHA PRASAD
THAKUR R/O VILLAGE- KHAJURIA, P.S- GOVINDGANJ, DISTT.-
EAST CHAMPARAN.

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Krishna Pd. Singh, Sr. Adv Mr. Rahul Singh, Adv Mr. Roop Kishan, Adv
For the Opposite Party/s :		Mr. Yogendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 18-12-2023 Heard learned counsel for the petitioner as well as
learned APP for the State.

2. The petitioner apprehends his arrest in connection with
Pipra Kothi P.S. Case No.63 of 2023, registered for the offence
punishable under Sections 399, 402, 120(B) of the Indian Penal
Code, 25(1-(1-A), 25(1-AA), 26/35 and 25(1-D) of Arms Act.

3. Allegedly, police apprehended co-accused Kunal Singh
and from his possession recovered one foreign 9mm loaded gun
with 10 cartridges in it. 10 cartridges of 9 mm and one mobile
phone was also seized. It is alleged that the apprehended person
disclosed that he along with the petitioner bought the AK-47
rifle along with 25 cartridges and six walkie-talkie.



4. It is submitted by learned Senior Counsel for the petitioner that petitioner is quite innocent and have committed no offence. He has been falsely implicated in this case. No such occurrence, in the manner as alleged, has ever taken place. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. Petitioner has been made accused in the present case merely because of the confessional statement of apprehended co-accused. There is no specific overt act against him. Petitioner was not apprehended on the spot and there is no recovery from the possession of the petitioner. Petitioner has seven criminal antecedent, which is mentioned in para-3 of the bail application and supplementary affidavit as well.

5. Learned APP for the State opposed the prayer for anticipatory bail.

6. Having regard to the facts and circumstances of the case as well as considering the nature of allegation, I am not inclined to enlarge the petitioner on bail. The prayer for grant of anticipatory bail on his behalf is hereby rejected.

7. This application is, accordingly, dismissed.

8. However, if the petitioner surrenders before the learned Court below within a period of six weeks from today and seek



for regular bail, the learned Court below shall pass the order on
the same day, in accordance with law.

(Anjani Kumar Sharan, J)

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