

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41154 of 2024

Arising Out of PS. Case No.-213 Year-2023 Thana- BRAHMPURA District- Muzaffarpur

1. Hareram Kumar @ Hareram Prasad S/O Late Sri Ram Kushwaha @ Shri Ram Mahto Resident Of Aamwa, P.S- Jharokhar, District- Motihari.
2. Prince Jaiswal @ Prince Kumar Son of Pradeep Jaiswal Resident Of Aamwa, P.S- Jharokhar, District- Motihari.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate
For the Opposite Party/s : Mr. Rajendra Singh, APP

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

3 23-08-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. Petitioners apprehend their arrest in connection with
Brahmpura P.S. Case No.213 of 2023 instituted under Sections
399, 402 and 414 of the Indian Penal Code and Sections 8(c)
and 21(b) of the N.D.P.S Act.

3. As per prosecution case, there is recovery of 16 grams
smack and other articles to be used in dacoity from possession
of five named accused persons and accused persons including
the petitioners were planning to commit dacoity. It is alleged



that petitioners managed to flee away from the spot.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case merely on the basis of disclosure statements of apprehended accused persons. The petitioners were not arrested from spot, as such, nothing incriminating article has been recovered from possession of the petitioners. The petitioners have no criminal antecedent.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners and submits that it is a case of N.D.P.S. Act and the allegation of recovery of 16 grams smack and other articles is made against the accused persons. It is further submitted that the petitioners are members of a gang, who were also indulged in committing crime. The investigation of the case is at initial stage. The anticipatory bail of similarly situated co-accused Mantu Kumar @ Mantu Jaiswal has been rejected by the coordinate bench of this court vide order dated 24.04.2024 in Criminal Miscellaneous No.22498 of 2024.

6. Considering the facts and circumstances of the case, submissions of learned counsel for the parties as well as the allegations made against the petitioners, this Court is not inclined to enlarge the petitioners on anticipatory bail.



Accordingly, the prayer for anticipatory bail of the petitioners is
rejected.

(Sunil Dutta Mishra, J)

Harish/-

U		T	
---	--	---	--

