

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45692 of 2024

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

Pappu Kumar @ Rupesh Kumar Son of Chandeshwar Yadav @ Chandeshwar
Village- Aamwa, P.S.- Jharokhar, Distt.- 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 : Md. Aslam Ansari, APP

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

2 23-08-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. Petitioner apprehends his 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 petitioner were planning to commit dacoity. It is alleged that
petitioner managed to flee away from the spot.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in this
case merely on the basis of disclosure statements of



apprehended accused persons. The petitioner was not arrested from spot, as such, nothing incriminating article has been recovered from conscious possession of the petitioner. The petitioner has no criminal antecedent.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner 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 petitioner is a member of gang, who was 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 and the nature of allegation made against the petitioner, this Court is not inclined to enlarge the petitioner on anticipatory bail. Accordingly, the prayer for anticipatory bail of the petitioner is rejected.

(Sunil Dutta Mishra, J)

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