

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81881 of 2024

Arising Out of PS. Case No.-114 Year-2024 Thana- SANDESH District- Bhojpur

Rakesh Kumar @ Bhudhan @ Kashinath Kumar, Son of Badan Singh, R/O
Vill.- Devaar, P.S.- Sandesh, Dist.- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Yogendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

4 31-01-2025 Heard Mr. Prabhat Kumar Singh, learned counsel
for the petitioner and Mr. Yogendra Kumar, learned APP for the
State.

2. The petitioner apprehends his arrest in connection with Sandesh P.S. Case No. 114/2024 dated 27.04.2024 registered for the offences punishable under sections 399 and 402 of the Indian Penal Code and sections 25(1B)(a), 26 and 35 of the Arms Act.

3. As per prosecution story, on 27.04.2024 at about 04:30 A.M., the informant along with other police personnel were on patrolling duty and near Sakhandi Pedha shop, Akhgaon, they saw five miscreants being assembled and when they tried to enquire the miscreants, on seeing police party, the miscreants started fleeing away but on chasing, one co-accused, namely, Ravishankar Kumar was apprehended and from his



possession, firearms were recovered. It is further alleged that the petitioner is one of the co-accused persons who managed to escape from the police party and these miscreants assembled to make preparation to commit the offence of dacoity.

4. The main submissions advanced by learned counsel appearing for the petitioner are that the petitioner has fair and clean antecedent and he was not involved with the co-accused persons at the alleged place for making preparation to commit the offence of *dacoity* and he was falsely implicated in the present case by the apprehended co-accused, namely, Ravishankar Kumar on account of some dispute running in between them and except suspicion, there is nothing against this petitioner to connect him to the alleged offences.

5. Learned APP appearing for the State has opposed the bail prayer of the petitioner.

6. Heard both the sides and perused the FIR and the case diary of this case. The petitioner is named in the FIR, though his name transpired as being involved in the alleged crime in the statement of co-accused Ravishankar Kumar, who is said to have been apprehended at the spot but as the case is under investigation and the alleged occurrence relates to the assembly of the accused persons at the alleged place for making



preparation to commit the offence of *dacoity* and from the possession of apprehended co-accused, firearms were recovered as per prosecution, in my opinion, it is not a fit case to grant the relief of anticipatory bail to the petitioner. Accordingly, his prayer stands rejected.

(Shailendra Singh, J)

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