

In the Court of Sessions Judge, Muzaffarpur.

Siwaipatti P.S.Case No.07/2020

21.03.2020 Heard the learned Counsel for the petitioner as well as the learned Incharge P.P. for the State on the anticipatory bail petition of petitioner Dhananjay Kumar Singh, who is apprehending his arrest in connection with Siwaipatti P.S.Case No.07/2020, registered u/ss 467, 468, 471, 414, 386/34 of the I.P.C., 25(1-b)a, e Arms Act, 19 U.A.P. Act and 17 C.L.A. Act.

Informant, S.H.O. of Siwaipatti P.S. has alleged in his self statement that on 06.02.2020 at about 06.00 P.M., he got secret information that Dhananjay Singh, Bibhash Kumar Singh, Ayush Raj @ Prince, Navin Kumar, Bunty Kumar, Akash Kumar and Rahul Kumar, who are active members of Azad Hind Fauz have assembled in the house of Bibhash Kumar with arms to extort levy from the different agencies. The information was flashed to higher officials and thereafter, informant alongwith other police party reached at the spot and conducted raid in the house of said Bibhash Kumar Singh. One youth was apprehended from a room, who disclosed his name as Akash Kumar and from beneath the pillow, one loaded country made pistol (Katta) and a mobile phone were recovered and accordingly, seizure list was prepared. Akash Kumar further divulged that he with the help of his accomplices namely Prince Kumar, Navin Kumar, Rahul Kumar had committed loot in Ashirvad Finance Company on 15.10.2019. Thereafter, raid was conducted in the inner portion of house of Bibhash Kumar Singh and from the bed of Bibhash Kumar Singh, one loaded country made pistol and from the kitchen one country made pistol were recovered. One without registration number Glamour motorbike was also

recovered from there. Akash Kumar and Bibhash Kumar Singh divulged that Dhananjay Singh is the main member of Azad Hind Fauz and on their disclosure, raid was conducted in the houses of Navin Singh, Prince Kumar @ Ayush Raj, Buntty Kumar Singh, Rahul Kumar and from their possessions, loaded country made pistols, mobile phones, gun were recovered, which descriptions are mentioned in the seizurelist. Raid was also conducted in the house of Dhananjay Singh but he was found absconding. Thereafter, seizurelists were prepared regarding the recovered articles.

Learned Counsel for the petitioner has submitted that petitioner is quite innocent and he has in fact committed no offence. Petitioner was not apprehended on the spot and nothing incriminating has been recovered from his possession. Petitioner has been dragged in this case on mere disclosure of co-accused persons, who were arrested by the police on the spot which has no evidenciary value in the eye of law.

Learned Incharge P.P. on the other hand has opposed prayer by submitting that the petitioner is the main member of some organization, who used to extort levy from the government agency. The informant in his subsequent statement and other witnesses examined during course of investigation have supported the prosecution version. Investigation remained continued.

Considering the facts stated above and nature of case, I am of the view that petitioner does not deserve the privilege of anticipatory bail and as such, his prayer for anticipatory bail stands rejected.

(Dictated)

Sd/-

Sessions Judge, Muz.