

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8571 of 2015

Arising Out of PS.Case No. -172 Year- 2014 Thana -NAUTAN District-
WESTCHAMPARAN(BETTIAH)

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Harendra Mahto @ Harendra Kumar Mahto son of Balaji Mahto village -
Dhekha, P.S. - Kesaria, District - East Champaran.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Abhimanyu Sharma, Advocate.

For the Opposite Party : Mr. Dr. Ajit Kumar(App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 09-11-2015 Heard Shri Abhimanyu Sharma, the learned counsel for
the petitioner and the learned APP.

The petitioner apprehends his arrest in a case registered
for the offence punishable under Section 395 of the Indian Penal
Code.

Initially the FIR was lodged against unknown under
Section 395 of the Indian Penal Code, but during the course of
investigation, it transpired that the informant Salikh Rai, his son
Upendra Rai and the cleaner of the truck Milan Rai hatched up a
conspiracy to misappropriate the truck and the rice loaded thereon.
It transpired that Upendra Rai, the son of the informant conspired
and disclosed that the petitioner came along with other accused
persons on a Bolero jeep and committed the crime.

It is submitted that the petitioner has got no criminal antecedent and his name has come in the confessional statement of co-accused.

Taking into consideration the facts that one of the co-accused, the son of the driver and the informant of the case disclosed the name of the petitioner that he along with other accused persons came with his Bolero jeep and thereafter took the truck loaded with rice, I am not inclined to enlarge the petitioner above named on anticipatory bail. Accordingly, the same is rejected.

However, the petitioner, if so advised, may surrender before the court below within four weeks from the date of receipt/production of a copy of this order and pray for regular bail, his prayer shall be considered on its own merit without being prejudiced by this order and taking into account the fact that other accused persons have already been enlarged on regular bail, if possible dispose it of on the same day.

(Prabhat Kumar Jha, J.)

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