

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.44754 of 2015

Arising Out of PS.Case No. -110 Year- 2015 Thana -JHAJHA District- JAMUI

Prakash Yadav Son of Binod Yadav, Resident of Village - Amarpur, Police
Station - Jhajha, District - Jamui

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s :

For the Opposite Party/s :

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL ORDER

4 06-11-2015 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Pursuant to order dated 04.11.2015, Superintendent
of Police, Jamui is present along with his show cause. In the same
it is accepted that there have been lapses on his part of not
complying with the order of the Court dated 13.10.2015.
Unqualified and unconditional apology has also been sought. The
Superintendent of Police, Jamui has submitted before the Court
that he had directed his subordinate to comply with the order and
report but it appears that the matter was never put up before him

and thus subsequently when coming to know of the order of the Court dated 04.11.2015 he has taken steps by suspending the concerned Assistant Sub-Inspector of Police and assures that he has started disciplinary proceeding and strict action shall be taken against him and such things shall not happen in future.

Copy of the case diary of Jhajha P.S. Case No. 110 of 2015 has also been produced.

The petitioner apprehends arrest in Jhajha P.S. Case No. 110 of 2015 dated 20.06.2015 instituted under Section 380 of the Indian Penal Code.

The allegation against the petitioner is that he had stolen the vehicle of the informant which met an accident from which his driving license and Identity Card have been recovered.

Learned counsel for the petitioner submits that he was working as driver of the vehicle owned by the informant and due to wage dispute he has been falsely implicated. It is submitted that the brother of the informant is said to have seen the petitioner moving around the vehicle at midnight but there is no explanation as to why he did not inform anyone or himself verify as to why the petitioner was moving near the vehicle. Learned counsel submits that even the so called recovery of his Identity Card and driving license are not reflected by any seizure list. Learned counsel

submits that the petitioner has no criminal antecedent and has been falsely implicated for oblique reasons.

Learned A.P.P. opposes the prayer for anticipatory bail and submits that at the relevant time when the vehicle met an accident the police had brought the petitioner and another person to the police station and sent them for treatment to the nearby hospital as they were injured but from there they had run away and because at the relevant time the police was not aware that the vehicle was stolen, they were not detained. It is further submitted that the vehicle has been kept under police custody along with the documents recovered which is reflected from the case diary. It is further submitted that there is no reason for the police to falsely implicate the petitioner by taking the stand that he along with another person was in the vehicle when it met with an accident.

Considering the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is not inclined to enlarge the petitioner on anticipatory bail.

The application, accordingly, stands dismissed.

However, in the event the petitioner surrenders and prays for bail before the court below, the same shall be considered on its own merits, in accordance with law, without being prejudiced by the present order.

The appearance of the Superintendent of Police,
Jamui stands dispensed with.

(Ahsanuddin Amanullah, J)

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