

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.47605 of 2015

Arising Out of PS.Case No. -386 Year- 1998 Thana -PURNEA SADAR (Dagarua) District-
PURNIA

Md. Atul @ Ajabul S/o late Anisur Rahman Resident of Village Rampur
Nargada Ps. Sadar (Dagarua)

.... 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

2 02-11-2015 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends arrest in Sadar (Dagarua)
P.S. Case No. 386 of 1998 instituted under Sections 395/412 of
the Indian Penal Code.

The petitioner is not named in the F.I.R. and the
allegation is that he had participated in looting articles from a
factory.

Learned counsel for the petitioner submits that
neither was he named in the F.I.R. nor was involved in the crime

and only because of recovery of a bucket which was also stolen in the incident, he has been made accused. It is further submitted that the petitioner has no criminal antecedent.

Learned A.P.P. opposes the prayer for anticipatory bail and submits that the incident occurred in the year 1998 and the same year the alleged stolen bucket was recovered from the house of the petitioner and thus whatever defence or grievance he had and also the cause of action occurred in the year 1998 and him approaching the Court for anticipatory bail in the year 2015 itself makes him ineligible for any indulgence.

Considering the facts and circumstances of the case, the Court finds substance in the contention of learned A.P.P. Accordingly, the Court is not inclined to enlarge the petitioner on anticipatory bail and the application stands dismissed.

However, in the event the petitioner surrenders and prays for regular 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.

(Ahsanuddin Amanullah, J)

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