

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26993 of 2015

Arising Out of PS.Case No. -13 Year- 2013 Thana -MANJHI District- SARAN

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Sujit Kumar Upadhyay @ Mane Upadhyay Son of Late Harendra
Upadhaya R/o Mahmmadpur, P.S. Manjhi, Distt. - Saran at Chapra

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Ajay Kumar Sharma, Advocate.

For the Opposite Party/s : Mrs. Renu Kumari, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 20-07-2015

Heard both sides.

The petitioner apprehends his arrest in a case under
Sections 379, 461 and 411 of the Indian Penal Code.

The petitioner is not named in the F.I.R. During the
course of investigation, name of the petitioner figured in the case
in the confessional statement of Mantosh Sah. On the basis of the
confession, the motor of the generator was recovered from under
the straw of the petitioner. Mantosh Sah disclosed that the
petitioner concealed the motor under the straw. It is submitted that
the petitioner was not present in his village at the time of the
alleged occurrence.

Considering the fact that the name of the petitioner
figured in the confessional statement of co-accused leading to the
recovery of the motor from under the straw of the petitioner and it

has come that it was the petitioner, who got the motor concealed under the straw, I am not inclined to enlarge the petitioner on anticipatory bail in Manjhi P.S. Case No. 13 of 2013. Accordingly, the same is rejected.

The petitioner, if so advised, may surrender in the court below and make prayer for regular bail. The court below shall consider the prayer for regular bail of the petitioner taking into consideration that other co-accused has already been enlarged on regular bail.

(Prabhat Kumar Jha, J)

Dilip/-

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