

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44227 of 2015

Arising Out of PS.Case No. -26 Year- 2011 Thana -PARSAUNI District- SITAMARHI

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Jitendra Rai son of Nathuni Rai, Resident of village- Benipur, P.S.-
Parsauni, District- Sitamarhi

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pushpendra Kumar Singh, Adv.

For the Opposite Party/s : Mr. Anil Kr.Singh (App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA

ORAL ORDER

4 18-12-2015 Heard both sides.

The petitioner apprehends his arrest in Parsauni P.S.
Case No. 26/2011, registered for the offences punishable under
Section 394 of the Indian Penal Code.

The petitioner is not named in the FIR. During the
course of investigation, one mobile was found from the place of
occurrence. The witnesses have stated that the petitioner is the
owner of that mobile.

It is submitted that the petitioner is not the owner of the
mobile. There is no material against the petitioner to show the
involvement in this crime, but it appears that the petitioner has got
criminal antecedent and many of the witnesses have stated that the
petitioner was found talking with that mobile which was found at

the place of occurrence and the same was recovered immediately after the occurrence. The case is of the year 2011. The anticipatory bail of the petitioner was earlier rejected in the year 2014, but again the petitioner filed this anticipatory bail petition instead of surrendering before the court below.

Considering the facts aforesaid, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, the same is rejected.

The petitioner, 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 and his prayer shall be considered on its own merit without being prejudiced by this order.

(Prabhat Kumar Jha, J.)

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