

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 47708 of 2015

Arising Out of PS.Case No. -182 Year- 2014 Thana -DHANARUA District- PATNA

=====

Amarjit Kumar @ Amarjit Prasad son of Lorik Prasad, Resident of village
Milki, P.S. Dhanarua, District - Patna.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Pankaj Kumar, Advocate.

For the Opposite Party/s : Mr. Bhanu Pratap Singh, A.P.P.

=====

**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH**

ORAL ORDER

2 04-11-2015 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner apprehends arrest in Dhanarua
P.S. Case No. 182 of 2014 dated 20.06.2014 instituted under
Section 379 of the Indian Penal Code.

The allegation against the petitioner is that he
along with another person had removed two batteries from the
roller and plant of the informant and taken it away on
motorcycle at 12.30 A.M.

Learned counsel for the petitioner submits that
the allegation itself is unbelievable for the reason that there is
no explanation as to why the persons who were present at the
site saw the petitioner committing the crime and no steps were



taken to prevent the same. It is further submitted that as per the allegation the two batteries which were more than 50 kgs. in weight cannot be transported on a motorcycle along with a pillion rider as the same is highly impracticable and improbable. Learned counsel further submits that the parties are known to each other and that is why there is false implication. Learned counsel further submits that the petitioner carries his own business of tent house and because of there being some dispute with regard to payment of one of the employees of the informant, he has been falsely implicated.

Learned A.P.P. opposes the prayer for anticipatory bail and submits that in view of the petitioner having criminal antecedent of four cases including that under the Arms Act and Sections 395 and 380 of the Indian Penal Code, coupled with the fact that there is no proof of any enmity which would show that the petitioner has been falsely implicated, the allegation of the petitioner taking away the batteries cannot be disbelieved at this stage.

Considering the facts and circumstances of the case and submissions of learned counsel for the parties, this 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 regular bail before the Court below, the same

shall be considered on its own merits in the light of the submissions made by the petitioner, in accordance with law without being prejudiced by the present order.

(Ahsanuddin Amanullah, J.)

Anand Kr.

U		T	
---	--	---	--