

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5593 of 2016

Arising out of PS.Case No. -106 Year- 2014 Thana -SAMASTIPUR District- SAMASTIPUR

Rajesh Kumar, Son of Jai Narayan Singh @ Dev Narayan Mahto, resident
of Village- Shivnathpur, P.S.- Bibhutipur, District- Samastipur (Bihar).

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr. Vinay Kumar Mishra, Advocate.

For the Opposite Party : Mr. Smt.Renuka Ratnakar (App)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 28-03-2016 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is apprehending his arrest in connection
with Samastipur (Town) P.S. Case No. 106 of 2014 for the
offences instituted under Sections 379 and 511/34 of the IPC.

The prosecution story, in brief, is that on the alleged date
and time of occurrence while the informant alongwith constable
Vijay Kumar Raut was on patrolling duty and in course of going
to B. Ed. College, they saw one boy sitting on a Glamour
Motorcycle and was trying to start the *Bike* and another youngster
was standing near the *Bike*. They caught them and demanded
papers of the Motorcycle, but they could not produce any papers.
On search, from possession of Chandan Kumar, two king master

keys and from possession of another youngster Prakash Kumar Baitha, one king master key were recovered. Both were arrested.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. There is no recovery of any incriminating article from conscious possession of the petitioner. The petitioner is not named in the FIR. The name of the petitioner has come on the basis of confessional statement of co-accused except for that there is no other material to suggest his implication in the present case.

On behalf of the State it has been submitted that the petitioner is said to have participated in committing the theft of a Motorcycle.

Considering the aforesaid facts and circumstances, I am not inclined to grant anticipatory bail to the petitioner. The same is rejected in Samastipur (Town) P.S. Case No. 106/2014, pending in the court of the learned C.J.M., Samastipur. Anyhow, if the petitioner surrenders in the court below the same shall be considered on its own merit without being prejudiced by this order.

U.K./-

(Sudhir Singh, J)

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