

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.813 of 2016

Arising Out of PS.Case No. -393 Year- 2015 Thana -SAHEBPUR KAMAL District- BEGUSARAI

1. Sonu Kumar Son of Ram Ratan Sah, Resident of village- Panchveer Bazar, Ward No. 4, P.S.- Sahebpur Kamal, District- Begusarai

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Jha

For the Opposite Party/s : Mr. Ram Chandra Sahni(APP)

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

5 03-03-2016 In compliance of this Court's order, dated 26.02.2016, an explanation has been submitted by the Superintendent of Police, Begusarai, who is personally present. The explanation so submitted by him is accepted with a note of caution that in future he should ensure that this Court's order are complied with, with all promptitude.

Heard learned counsel for the petitioner and learned Additional Public Prosecutor appearing on behalf of the State.

This application arises out of Sahebpur Kamal P.S. case No. 393 of 2015, disclosing offences under Sections 461,379 of the Indian Penal Code.

Briefly narrated, the prosecution case is that on the alleged date of occurrence, Idols of dities made of Ashthadhatu

came to be stolen from the Temple.

Learned counsel appearing on behalf of the petitioner contends that the petitioner was not named in the First Information Report and his name has surfaced on the basis of confessional statement of co-accused. He has further submitted that the said Idols had been recovered from the house of one Anita Devi, wife of Pravin Sharma and there is no recovery from the house of the petitioner and, therefore, the petitioner is entitled for grant of anticipatory bail.

There is no dispute about the fact that the petitioner is not named in the First Information Report. At the same time, this is also not in dispute that one co-accused Anil Kumar @ Bauna arrested in course of investigation, in his confessional statement named the petitioner who is said to have participated in commission of the offence. In such circumstance, I am of the view that custodial interrogation of the petitioner by the police may be required. I further find from the petition that the petitioner has criminal antecedent inasmuch as, he is an accused in a case registered under Section 366A/34 of the Indian Penal Code.

In the facts and circumstances of the case, I am not inclined to grant the petitioner the privilege of anticipatory bail.

This application for anticipatory bail is rejected.

The petitioner is directed to surrender before the Court below within four weeks from today and seek regular bail, if so advised. If he does so, his application for regular bail shall be considered on its own merit without being prejudiced by rejection of present application for grant of anticipatory bail.

(Chakradhari Sharan Singh, J)

ArunKumar/-

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