

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11235 of 2016

Arising Out of PS.Case No. -142 Year- 2015 Thana -ASHTHWAN District- NALANDA
(BIHARSHARIFF)

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Dularchand Kumar son of Bundel Paswan resident of Village- Maksudpur,
P.S.- Asthawan, District- Nalanda.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Pankaj Kumar, Advocate
For the Opposite Party : Mr. Mustaque Alam, APP

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 03-05-2016 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is apprehending his arrest in connection
with Asthawan P.S. Case No. 142 of 2015 pending in the Court of
CJM, Nalanda at Biharsharif for the offences instituted under
Section 380 of the Indian Penal Code.

As per prosecution case, the informant alleging therein
that on 25/26.08.2015 in the night when the informant was
sleeping at about 1.30 A.M. he heard the sound of running a
person on roof then after awakening he saw 3-4 persons going
from his house. Thereafter, he searched the articles of his house
which scattered here to there and on search he found that thieves
had stolen about Rs.80,000/- cash, one titan watch and some

golden ornaments from his house.

It has been submitted on behalf of the petitioner that the petitioner has falsely been implicated in the present case merely on the basis of a confession in Asthawan P.S.Case No.148 of 2015. There is no other material to suggest his implication in the present case. On the basis of the said confessional statement, the petitioner was remanded in the present case. There is no recovery of any incriminating article from the possession of the petitioner.

On behalf of the State, it has been submitted that the petitioner is the habitual offender and has criminal antecedent.

Considering the aforesaid facts and circumstances of the case, I am not inclined to release the above named petitioner on anticipatory bail, the same is rejected.

Anyhow, if the petitioner surrenders in the court below within a period of four weeks, the same shall be considered on its own merit without being prejudiced by this order.

(Sudhir Singh, J)

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