

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7255 of 2017

Arising Out of PS.Case No. -121 Year- 2015 Thana -AMAS District- GAYA

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1. Md. Naimuddin Son of Moinuddin, Resident of Mohallah- Sumali (Sherghati), P.S.- Sherghati, District- Gaya.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashutosh Singh

For the Opposite Party/s : Mr. Veena Rani Prasadd.

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

5 23-03-2017 The petitioner is apprehending his arrest in connection with Amas P.S. Case No. 121 of 2015, registered for offences punishable under Section 414 Indian Penal Code and Section 47(A) Excise Act.

It has been submitted on behalf of the petitioner that nothing has been recovered from the conscious possession of the petitioner rather it has been recovered from an abandoned Maruti Van which belonged to the petitioner. It has also been submitted that the said Maruti van was taken by the driver and the petitioner was out of Patna at that time and he could not know about the present case and there is nothing further to connect the petitioner with the present case.

Heard learned A.P.P. also.

Having heard both sides, from perusal of the record, it



appears that the case was instituted on 02.08.2015 and petitioner has filed petition for anticipatory bail after more than one and half years, however, a submission has been made that he was out of Patna and due to which he could not know about the present case but the said submission cannot be considered as it is hard to believe that for about one and half year, he could not know about the said occurrence as the petitioner happens to be the owner of the said vehicle, as such, I am not inclined to grant the petitioner the privilege of anticipatory bail, it is accordingly rejected.

Let petitioner surrender before the court below and pray for regular bail and if any such application is filed, the court below after considering the submission of petitioner that he is owner of the vehicle and he could not know about the said occurrence as he was out of Patna and also the fact that recovery has been made from abandoned vehicle, shall pass an appropriate order, preferably on the same day, without being prejudiced by the order of this Court.

With the above observation, this application is disposed of.

(Vinod Kumar Sinha, J)

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