

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.280 of 2017

Arising Out of PS.Case No. -159 Year- 2016 Thana -MUZAFFARPUR SADAR District-
MUZAFFARPUR

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Amit Kumar, S/o Sri Subodh Singh, resident of Village-Bhikhanpura
Prayag Nagar, Police Station-Sadar, District-Muzaffarpur.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Nachiketa Jha, Advocate.

For the Opposite Party : Mr. Jai Narain Thakur, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 10-01-2017 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is apprehending his arrest in connection
with Sadar P.S. Case No. 159 of 2016 for the offences instituted
under Sections 395 of the IPC.

It is alleged that 8-10 accused persons who were in a
Bolero vehicle overtook the informant's truck loaded with rice and
asked to show Challan. The informant was the said truck.
Subsequently, they forcibly be seated the informant in the Bolero
vehicle and took away the truck.

It has been submitted on behalf of the petitioner that the
petitioner has falsely been implicated in the present case. There is



no allegation of tampering with the witnesses alleged against the petitioner. He is not named in the FIR. There is no recovery of any incriminating article from possession of the petitioner. Recovery has been made from the godown of the co-accused, namely, Santosh Sah. His name has come on the basis of confessional statement of co-accused. Except for this, there is no substantive evidence to suggest his implication in the present case.

On behalf of the State, it has been submitted that the petitioner is not named in the F.I.R. His name has come in course of investigation and there are six criminal cases pending against the petitioner.

Considering the aforesaid facts and circumstances, I am not inclined to grant anticipatory bail to the petitioner. The same is rejected in connection with Sadar P.S. Case No. 159 of 2016, pending in the court of learned J.M. Ist Class, Muzaffarpur. If the petitioner surrenders in the court below, the same shall be considered on its own merit without being prejudiced by the order of this Court taking into account the submissions made on behalf of learned counsel for the petitioner.

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(Sudhir Singh, J)