

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.23317 of 2017

Arising Out of PS.Case No. -135 Year- 2016 Thana -MADANPURA District- AURANGABAD

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Pappu Mushar, Son of Late Pusu Musahar @ Mukhiya, R/o Vill.- Karahara, P.S.-
Aurangabad (Mff.), Distt.- Aurangabad.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the State : Mr. Syed Ehteshamuddin, APP

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

Date: 07-07-2017

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends arrest in connection with
Madanpur P.S. Case No. 135 of 2016 dated 29.10.2016 instituted
under Sections 457/380 of the Indian Penal Code.

3. The allegation against the petitioner and three others
is of stealing articles from the house of the informant.

4. Learned counsel for the petitioner submitted that only
on the confessional statement of Yugesh Mushar who was arrested in
another village, the petitioner has also been made accused. Learned



counsel submitted that the petitioner has no connection with the crime and that he has been falsely implicated as he was earlier made accused in another case due to which in the present case also the police have made him an accused.

5. Learned A.P.P. submitted that the person who was caught has taken the name of the petitioner and two others and there is no reason why he would falsely implicate the petitioner. It was further submitted that the false implication is also not indicated in the present case since the other case pending against the petitioner is of Kasma police station whereas the present case is of Madanpur police station and thus there cannot be any motive of the local police to keep on implicating the petitioner as both the offences were committed under different police stations. Learned counsel submitted that in the other case also the petitioner is accused under Section 380 of the Indian Penal Code.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is not inclined to enlarge the petitioner on anticipatory bail.

7. The application, accordingly, stands dismissed.

8. However, in the event the petitioner surrenders and prays for regular bail before the court below within three weeks from today along with a copy of this order, the same shall be considered on



its own merits, on the basis of materials available, without being prejudiced by the dismissal of the present case.

(Ahsanuddin Amanullah, J)

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