

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2833 of 2019

Arising Out of PS. Case No.-394 Year-2018 Thana- CHAPRA MUFFASIL District- Saran

Niraj Kumar Paswan @ Niraj Kumar Manjhi, S/O Tarkeshwar Manjhi, R/O Village- Mangalpur, P.S.- Mohammadpur, District- Gopalganj, presently residing at Mohalla- Prabhunath Nagar, in rental house of Rupesh, P.S. Chapra, District-Chapra.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Kumar Veerendra Narayan, Advocate.
For the Opposite Party : Mrs. Renuka Ratnakar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 22-01-2019 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner is apprehending his arrest in a case for
the offence registered under Sections 394/34 of the IPC.

The prosecution story, in brief, is that on 13.09.2018
at 7.30 P.M., when the informant was returning after taking
vegetables, two unknown persons on a black *Apache*
Motorcycle bearing No. BR-5494 from behind came and
snatching the gold chain from the neck of the informant began
to flee. Niraj Kumar Manjhi (petitioner) resides in the house of
Rupesh. Two unknown persons used to come to petitioner Niraj
Kumar Manjhi whom she recognized and informed the police.
When the police put pressure upon the house owner, then the



house owner enquired from Niraj about the persons, who had come on 14.09.2018, then the petitioner disclosed that the *Bike* was of Raja. Thereafter, Raja was called out who disclosed that his *Bike* was taken by the petitioner and Sunil. Then Raja was given threatening. On 19.09.2018 at 4.00 P.M. Raja called Sunil Kumar Ram and Mukul Kumar Manjhi who disclosed that the chain was sold out by the petitioner and Rs. 2000/- each was distributed.

It has been submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. The alleged occurrence is said to have taken place on 13.09.2018 as to when F.I.R. was instituted on 20.09.2018. Delay has not been explained by the prosecution. There is no description in respect of stolen chain theft by the petitioner whether it was golden chain and it was silver chain. Both parties are neighbours. For the said reason, a false case has been instituted against the petitioner. Other co-accused persons have already been granted regular bail by the learned court below.

On behalf of the learned counsel for the State, it has



been submitted that the petitioner is named in the F.I.R. Entire occurrence is said to have taken place at the instance of the petitioner with the help of other co-accused persons.

Considering the aforesaid facts and circumstances, I am not inclined to grant anticipatory bail to the petitioner. The same is rejected in connection with Muffasil P.S. Case No. 394 of 2018, pending in the court of learned Chief Judicial Magistrate, Saran, Chapra. Anyhow, if the petitioner surrenders and prays for regular bail in the learned court below, the same shall be considered on its own merit without being prejudiced by this order of the Court preferably on the same day.

(Sudhir Singh, J)

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