

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39176 of 2019

Arising Out of PS. Case No.-290 Year-2003 Thana- SUPAUL District- Supaul

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Dhirendra Yadav S/o-Parshuram Yadav R/o Village- Chiknapatti, P.S.-
Raghopur, District- Supaul.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arun

For the Opposite Party/s : Mr. Umesh Lal Verma

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**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL ORDER

3 20-09-2019 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner apprehends his arrest in a case
registered for the offences punishable under Section 395 of the
Indian Penal Code.

Five motorcycle borne criminals are said to have
snatched Rs.50,000.00 and motorcycle of the informant on the
point of fire-arm.

It is submitted by learned counsel for the petitioner
that the petitioner has no concern with the aforesaid occurrence.
He has been falsely implicated in this case. There is nothing on
record indicating the complicity of the petitioner in the
occurrence barring his confessional statement which has no



evidentiary value in the eye of law. No incriminating article has been recovered from the conscious physical possession of the petitioner. Petitioner was in custody since 29.06.2013 to 14.09.2018 but he was not got remanded in this case by the prosecution. Hence, he may be enlarged on bail.

On the other hand, learned APP for the State vehemently opposing the bail petition submitted that the petitioner is having criminal antecedent and moreover process under Section 83 of the Cr.P.C. has been executed against him. Hence, the anticipatory bail is not maintainable.

Considering the facts and circumstances of case, I am not inclined to enlarge the petitioner on bail. The prayer for bail of the petitioner is hereby rejected. However, the petitioner is directed to surrender before the learned Court below within six weeks from today and seek regular bail and the learned Court below would pass order in accordance with law without being prejudiced by this order on the date of surrender by the petitioner.

(Prakash Chandra Jaiswal, J)

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