

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42321 of 2019**

Arising Out of PS. Case No.-92 Year-2016 Thana- BHAGWANPUR District- Kaimur
(Bhabua)

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BATKHARI MUSAHAR Son of Nifikir Musahar Resident of Village-
Chaurasiya, P.S.-Mohania, District- Kaimur at Bhabua.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Tribhuwan Narayan
For the Opposite Party/s : Mr.Ansar Ul Haque

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 09-07-2019 Heard both sides.

The petitioner apprehends his arrest in Bhagwanpur
P.S. case No. 92 of 2016 registered under Section 457, 380 of
the IPC.

The informant lodged the case against unknown for
theft in his house.

The learned counsel for the petitioner submits that
petitioner is not named in the FIR. Nobody has seen the
petitioner committing the theft. During the course of
investigation name of the petitioner figured in the case on the
basis of confessional statement of co-accused Surendra Mushar
that petitioner is his one of the accomplices. Save and except
confessional statement of co-accused there is no tangible



evidence but it appears from perusal of the order of the learned Sessions Judge that one of the villagers in paragraph 55 of the case diary disclosed that he saw the petitioner and other accused persons going along with theft articles. On such the police also went in search of the petitioner and other accused persons and Surendra Mushar was arrested and he also confessed his guilt and disclosed that petitioner was also one of the members of the gang who committed theft in the house of informant.

Considering the facts aforesaid, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J)

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