

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45497 of 2019

Arising Out of PS. Case No.-280 Year-2013 Thana- KESARIA District- East Champaran

Yadolal Patel, aged about 31 years, Male, S/o Shivilal Patel, Resident of
Village- Rakhahi, P.S.- Shikarpur, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar, Advocate
For the Opposite Party/s : Mr.Bhanu Pratap Singh

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 18-11-2019 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner apprehends his arrest in connection
with Kesariya P.S. Case No. 280 of 2013 registered for the
offences under Sections 328/395 of the Indian Penal Code.

The prosecution case in brief is that the informant
Mishrilal gave his fardbeyan in S.K.M.C.H., Muzaffarpur in
Emergency Ward alleging therein that he is driver of truck
bearing Registration No.NL01K-5161 to Darbhanga with the
truck loaded with paddy chaff and when he reached at Jagirha
village near temple he felt call of nature then he stopped the
truck near a temple and went to call of nature. After call of
nature, they sat on the truck and started it then a Bolero vehicle
came in front of the truck and stopped his way and 6-7 persons



came out from the Bolero vehicle and started beating to him and put the gun on his temple and took out the informant and his cleaner from the truck and forced them to sit on the Bolero and they injected them then they became senseless and took out his Samsug mobile, Pn Card, R.C. Book, S.B.I. ATM Card and cash Rs.15,000/ from the informant's pocket.

Learned counsel for the petitioner submits that the petitioner is innocent and he has falsely been implicated in this case. The petitioner is not named in the F.I.R. and nothing incriminating article has been recovered from the possession of the petitioner. Learned counsel for the petitioner further submits that the allegation against the petitioner is that he provided the space for keeping rice bran. He further submits that the petitioner was absolutely not aware of the fact that rice bran in question was stolen property.

Learned counsel for the State submits that process under Sections 82 and 83 Cr.P.C. has been issued. Accordingly, the anticipatory bail petition is not maintainable.

In the facts and circumstances of the case, I am not inclined to grant anticipatory bail to the petitioner. Accordingly, the prayer for anticipatory bail to the petitioner is hereby rejected. However, the petitioner is directed to surrender before



the court below and the learned court below passed the order on
the same day without being prejudiced by this order.

(Anjani Kumar Sharan, J)

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