

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14307 of 2020**

Arising Out of PS. Case No.-302 Year-2019 Thana- DAUDNAGAR District- Aurangabad

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JWALA PRASAD @ JWALA DRIVER, Son of Late Lalan Prasad, Resident
of Village - Malkoppa, P.S. - Barun, District – Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bhanu Pratap Singh
For the Opposite Party/s : Mr.Ashraf Ansari

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 13-10-2020 Heard learned counsel for the petitioner and learned
APP for the State through virtual court proceedings.

The petitioner is apprehending his arrest in a case
registered for the offence punishable under Sections 395 and
397 of the Indian Penal Code.

Allegation against the accused persons including the
petitioner is of assaulting the informant by gun shot and also
took away the cash bag and cheque.

Learned counsel for the petitioner submits that the
petitioner has been falsely implicated in this case due to
previous enmity. The petitioner is not named in the FIR. During
course of investigation one Guddu Yadav and Nitish Kumar @
Nitish Yadav were apprehended who disclosed the name of the
petitioner in their confessional statement before the police. Said



Nitish Kumar has stated in his confessional statement before the police that after the occurrence he called the petitioner on phone who used to ply Scorpio vehicle No. JH10BV-0573 which belongs to one Kail Yadav of village Cocharh and he came with the vehicle at Chauram Bridge. He further submits that other co-accused including Nitish Kumar have been granted regular bail by the Co-ordinate Benches of this Court. The petitioner has got clean antecedent which is mentioned in para 3 of the bail petition.

Learned APP for the State opposes the prayer for bail petition.

I have perused the records including case diary, there is specific allegation against the petitioner who is driver of the said vehicle.

In the aforesaid facts and circumstances, I am not inclined to enlarge the petitioner on bail. Accordingly, the prayer for anticipatory bail of the petitioner is rejected in connection with Daudnagar P.S. Case No. 302 of 2019 from the Court of learned Sub-Divisional Judicial Magistrate, Daudnagar, District-Aurangabad.

Accordingly, the application is dismissed.

However, petitioner is directed to surrender before the



learned court below and make prayer for bail, the learned court below shall dispose of the bail petition on the same day without being prejudiced by this order.

(Anjani Kumar Sharan, J)

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