

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 26948 of 2020

Arising Out of PS. Case No.-17 Year-2020 Thana- JANKINAGAR District- Purnia

HARSH MISHRA Son of Amitabh Mishra @ Belchu Mishra Resident of
Village - Chandpur Mirchai Bari, P.S.- Jankinagar, District - Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Gopal Kumar Jha, Advocate

For the Opposite Party/s : Mr Anant Kumar, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 05-11-2020

As of now, the Courts have not resumed normal physical hearing. The matter has been listed today for consideration through Video Conferencing.

Learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual Court proceedings with the aid of audio visual technology.

Heard learned counsel for the petitioner.

Mr Anant Kumar, APP is appearing as it is submitted that the brief has been allotted to him by the Office of Advocate General.

Petitioner apprehends arrest in connection with Jankinagar Police Station (for brevity, *PS*) Case No 17 of 2020



(GR No 403 of 2020) instituted for the offence punishable under Section (s) 356, 379/34 of Indian Penal Code.

Prosecution case is that three persons, riding on a motorcycle, have hit the informant when he was returning with his nephew after collecting electricity dues. The allegation is that the said three persons took away the money which was kept in the bag along with the billing machine and fled away. Villagers have disclosed the identity of the three persons including the petitioner.

It is submitted by the petitioner's counsel that merely on such identification by villagers, the petitioner has been implicated in this case though the informant has not named the petitioner in the First Information Report. The submission is that from the petitioner, there is no recovery of any material to suggest his involvement in the instant case.

Learned APP for the State has opposed the prayer for anticipatory bail. It is submitted that the motorcycle, used in the occurrence, has been recovered from co-accused Sonu Kumar, upon disclosure made by co-accused Laddu Kumar. It is on disclosure of the said Laddu Kumar that petitioner has also been implicated in this case. Petitioner also has another case pending against him being Murliganj PS Case No 380 of 2019. The



circumstances, therefore, are such that the petitioner may not be allowed the privilege of anticipatory bail.

Considering the rival submissions, prayer for anticipatory bail is rejected.

It is, however, made clear that in case the petitioner surrenders before the Court below and pray for grant of regular bail, the Court below shall consider the same without taking into consideration of the rejection of anticipatory bail of the petitioner by this Court.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant proceedings today for depositing requisite Court fee and removing the defect (s), as pointed out, when called upon to do so.

(Madhuresh Prasad, J)

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