

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76409 of 2019

Arising Out of PS. Case No.-57 Year-2018 Thana- RAJAOLI District- Nawada

MD. MUSTAK KHAN @ MUSTAK KHAN @ MD. MUSTAQUE KHAN
Son of Late Masim Khan Resident of Village - Nababtolli, P.S.- Sikandra,
District- Jamui

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sheo Kumar Prasad

For the Opposite Party/s : Mr. Kumar Ranjit Ranjan

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 20-01-2020

This application, for grant of anticipatory bail, arises out of Rajauli P.S. Case No. 57/18, disclosing offences under Section 392 of the Indian Penal Code, which has been converted into Section 395 of the Indian Penal Code.

Allegation is of committing loot of truck by the unknown miscreants. Petitioner is not named in the F.I.R., his name transpired on confession of co-accused.

Submission of learned counsel for the petitioner is that he has no criminal antecedent and has falsely been implicated in this case and nothing has been recovered from his conscious possession and his name has surfaced in this case only on confession of co-accused and except that there is nothing against the petitioner.



Learned counsel for the State opposed the prayer for anticipatory bail on the ground that in such type of cases, when F.I.R, is against unknown, appearance of petitioner is required for T.I.P., as such, he does not deserve the privilege of anticipatory bail.

Having heard both sides, considering the facts and circumstances of the case, I am not inclined to grant the privilege of anticipatory bail to the petitioner rather petitioner has to surrender before the court below and make prayer for regular bail and if any such application is filed, the court below will dispose of the same on the merit of the case, without being prejudiced by this order.

This application is, accordingly, dismissed.

(Vinod Kumar Sinha, J)

sunilkumar/-

U		T	
---	--	---	--

